February 1977 / $1.50

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

Special supplement:
1977 ROSTER AND GUIDE

Whip Cranston -- California's only power in Washington

Will the new crime law open the prison gates?

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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Shock troops

The political conflict that has been building between business and labor on one hand and the environmental movement on the other has climaxed with the current dispute over the proposed $500 million Dow Chemical complex on the Sacramento River. One argument is that because Dow decided to withdraw no major corporation will see fit to fight through the red tape needed to build a manufacturing plant in California. Presumably, this means that there will be no favorable solution to the state's unemployment problem.

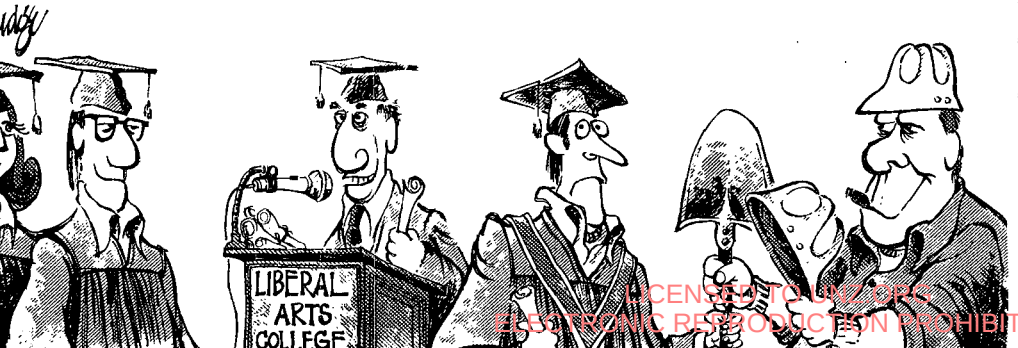
The need for jobs in the construction and manufacturing industries cannot be overlooked, but no one seems to be expressing comparable concern about perhaps the biggest problem in California's economic mix today — the fact that there are incredibly few jobs for those coming out of college with liberal-arts backgrounds. These creative young people used to go into teaching and social work before those doors were closed.

The State Building and Construction Trades Council has done an excellent job dramatizing the plight of carpenters, electricians, plumbers and laborers who have been hurt by the slowdown in the construction industry. These unions are playing a key role in the fight for the Dow plant, which would provide a major source of employment for these workers over a long period of time.

But where are the advocates for the non-trade, non-technical newcomers to the job market? In fact, who is speaking up for any element of the out-of-work force except for the building trades? Some of our best and brightest are marking time getting law and other advanced degrees, hoping that somehow the employment climate will improve in two or three years. Unfortunately, the fields that are attracting young people these days — law, journalism and politics — are overcrowded. Editors, for example, are now being besieged with more job applicants than ever before in California history, and a heavy percentage of those seeking writing jobs are women.

It is ironic that many of these young people, thwarted by efforts to find places in the workaday world, are turning to the environmental movement as an outlet for their energies. If you visit the offices of the Sierra Club, the Friends of the River or almost any other environmental organization, you will find volunteers who would much rather be holding down full-time jobs.

These out-of-work college graduates have become, in effect, the shock troops of the environmental movement. They are making life miserable for the very institutions in our society — government, business and organized labor — that should be making more of an effort to find jobs for this generation of Californians.



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California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

Volume VIII, Number 2 February 1977

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CALIFORNIA JOURNAL, is a non-ideological analysis of California government and politics published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation. Publication is assisted by grants from the Columbia Foundation, Michael J. Connell Foundation, Ford Foundation, and Natomas Company.

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Subscription rates: Libraries and Governmental Agencies, $30; Corporations and Associations, $50; Special Individual Rate, $15.

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Second-class postage paid at Sacramento.

UP FRONT

If you telephone the Sacramento office of Assemblyman John Vasconcellos, you are apt to get the humanistic greeting: "John's office."

The main three-month task of Alan Rothenberg, interim secretary of business and transportation, is to get the state's struggling housing program off the ground. The appointment of Rothenberg, a young Bank of America vice president, was also an attempt by Jerry Brown to unfreeze the business climate in Sacramento.

Why were so many bizarre incidents revealed by the state Commission on Judicial Performance in suspending Justice Marshall McComb from the state Supreme Court? The answer is that the commission felt compelled to present an overwhelming case against McComb so that his suspension will not be used as a precedent for future action based more on political conviction than on fitness to hold office.

How numbers can deceive: By no stretch of the imagination can Jerry Brown be considered a spendthrift. Yet the total state budget has risen a whopping 50 percent in the three years since Ronald Reagan left office.

The next step up the political ladder for ambitious state Senator Bob Wilson would be a race for Congress, and the word in San Diego is that Democrat Wilson may make that race one of these years. The incumbent is Republican Bob Wilson, and wouldn't that be a dilly of a who's who problem for the voters?

Both Jerry and Pat Brown made appearances at a retirement dinner for Richard Rodda, political editor for the McClatchy newspapers. The younger Brown made a rare early appearance, spoke briefly and left. When it came Rodda's turn to speak, he turned to Pat and remarked: "I bet that steak was just as nutritious as the alfalfa sandwich Jerry went out to get."

Robert Simpson, dead at 96 after making a career out of calling politicians "bastards," beat city hall. He discovered that a judge wouldn't jail him just for carrying a sign and thereafter was arrested 300 times with impunity.

Cover by Gary Williamson

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1977 Roster and Guide

As state government plays an increasingly large role in our lives, the *California Journal*'s Roster and Guide to state government and politics becomes virtually indispensable. An annual insert in the February issue, the Roster is also available as a separate reprint.

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CALIFORNIA'S MOST DURABLE POLITICIAN

How will cautious Cranston use his power to crack the whip?

By LEO RENNERT

Senator Alan Cranston, California's most durable politician, marked the opening of the 95th Congress by capturing a prized power bastion on Capitol Hill in his own particular way — quietly and without hurting anybody's feelings. When Senate Democrats caucused on January 4th, Cranston was everybody's choice for the No. 2 leadership job of assistant floor leader or whip. Unlike other congressional leadership contests marked by weeks of backstabbing and intrigue, this one was an unspectacular coronation.

Cranston's selection by acclamation was due in part to a bit of good luck: His only rival, ex-Senator Frank Moss of Utah, had been defeated in the November election. But Cranston's unchallenged promotion also was the result of his untiring efforts since coming to the Senate eight years ago to cultivate the friendship of every colleague in sight without regard to partisan or ideological divisions. By staying out of the limelight and forging coalitions with both the right and the left, Cranston emerged as a universal favorite. Once Moss was sidelined, not even a trial balloon was floated by any other senator about the possibility of contesting the whip post.

In his new job, Cranston has a rare opportunity to help shape and influence President Carter's domestic and foreign policies. As Senate Majority Leader Robert Byrd's right-hand man, he will participate in all important legislative strategy sessions. He also will commute regularly to the White House — or Plains, Georgia — for meetings between Carter and congressional leaders. While he generally will be expected to take his cue from Byrd and Carter, he still has plenty of maneuvering room to make his own views felt and to maintain a healthy margin of personal independence. In fact, Cranston's first comment after becoming whip was to serve notice that, while prepared to work harmoniously with both Byrd and the White House, he would not be a rubber-stamp for either.

New congressional power

At 62, with no other ambition but to serve out his public career in the Senate, Cranston's new status of congressional power baron is the crowning touch to a political career which many observers wrote off as finished a decade ago when he lost two statewide races in a row. Having gained solid liberal credentials as first president of the California Democratic Council, Cranston was elected state controller in 1958 and easily won reelection in 1962. But in 1964, Pierre Salinger beat him for the Democratic nomination for U.S. Senate, and in 1966 Republican Houston Flournoy defeated

The author is a Washington correspondent for the McClatchy Newspapers and a frequent Journal *contributor.*

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him for controller. For someone who suddenly was out in the cold 10 years ago, Cranston has fashioned a remarkable comeback. In modern California annals, only Richard Nixon managed to write such a political resurrection story. But while the former president's saga is over, Cranston has just begun to ride high as the most powerful Californian in Washington since Nixon left town.

For California's interests in the nation's capital, Cranston's entry into the Senate's top power structure is an oasis in a desert. Everywhere else on Capitol Hill — as well as at 1600 Pennsylvania Avenue — California is either out of the picture or playing a poor-cousin role.

The Georgia tide has engulfed the White House and brought with it rewards for states like Texas and New York which helped Carter win the presidency. California hardly can expect such largesse — not just because it voted for Gerald Ford in November but, more importantly, because Governor Brown remains Carter's most obvious potential rival in the Democratic Party. On the Hill, California's other senator, Republican S. I. Hayakawa, is off to the kind of non-start which makes his predecessor, Democrat John Tunney, seem like a heavyweight. And in the House, California's fortunes have taken a nosedive with the elimination of Representatives John McFall of Manteca and Phillip Burton of San Francisco from the leadership. Burton's narrow loss in the contest for majority leader has tipped the power balance in the lower chamber to Massachusetts in the person of Speaker Thomas P. O'Neill, Jr., and to Texas, which got a big boost from Representative Jim Wright's surprise win over Burton. With California's influence on the wane through most of the federal establishment, Cranston emerges as the state's only net gain in the new distribution of power.

Cranston's success against this otherwise bleak California backdrop is no fluke. While other Californians, like Jerry Brown or Burton, were willing to take big risks by mixing it up with powerful rivals, Cranston played his cards carefully, cautiously and with great patience. Media-hyped battles or bloody cloakroom duels are not his cup of tea. From the day he arrived in the Senate, Cranston made it clear that he was not out to upstage anyone, or to grab the limelight or to invade anyone's turf to advance his own interests.

Work behind the scenes

Just the opposite. He worked quietly behind the scenes to build support not only for his own legislation, but for bills of other senators as well. He surprised Capitol Hill, where party differences count for more than they do in Sacramento, by co-sponsoring many bills with Republicans — moderates as well as conservatives.

The certified liberal father of the CDC, Cranston joined hands with Strom Thurmond to help veterans, with Jesse Helms to knock out mandatory helmet-wearing rules for motorcyclists, with James Buckley to reform the United Nations and with Barry Goldwater to assist ham operators. On the Democratic side, Cranston proved himself the best nose-counter before critical rollcalls and gradually assumed the role of de-facto floor leader and strategist for a number of liberal and labor-backed measures. While others reaped the publicity Cranston rounded up votes to facilitate passage. It was not dramatic stuff — but it earned him the lasting gratitude of many colleagues.

Cranston also won his spurs as an effective bridge-builder between seemingly irreconcilable factions. As he turned more conservative on fiscal and other domestic issues, he often managed to find the right formula and the right cast of characters to fashion coalitions across the political spectrum. He emerged as one of the liberals' most solid links with the right and, from the other side of the ideological divide, as the conservatives' favorite liberal.

As such, he not only managed to soften conservative opposition to extension of the voting rights law and to internal Senate reforms, but also to dilute liberal drives for tax reform by saving the oil depletion allowance for indepedent producers. In a Senate over-populated with liberal primadonnas and conservative obstructionists, Cranston became the lubricant which averted legislative stalemates and breakdowns.

Having tasted defeat twice, he also kept a healthy check on his ultimate political ambitions. When Carter put him on his list of possible vice-presidential picks, Cranston quickly begged off. In part, this was a smart gesture to remind his colleagues that the Senate was his all-consuming interest and that he deserved their full support for whip. But it also underscored his genuine desire to seek no other pastures.

'Dear Jimmy'

In a "Dear Jimmy" letter to Carter last June in which he asked that he be dropped from consideration as vice president, Cranston wrote: "I really look upon myself as a Senate man. My life, my hopes and ambitions lie in the Senate and this is where I hope to remain and serve our country for as long as I and the people of California feel that I'm serving wisely and well." Indirectly, the letter to Carter also was an admonition to Brown. It told the Governor to drop any thought that Cranston might step aside at the end of his current term and make room for him to run for the Senate.

At this point, Cranston already is preparing to run for a third term in 1980. He is determined that his duties as whip will not keep him grounded in Washington and that he will be able to set aside sufficient time to maintain close contacts with California constituents. In fact, he boasts that his new power base should make it easier to promote California interests. Cranston believes the defeats of his predecessor, Republican Thomas Kuchel, and his erstwhile colleague, Democrat Tunney, were due in large part to their failure to maintain close identification with California problems. And he is determined not to make the same mistake.

But 1980 is still a long way off and just as he was beaten for controller in 1966 because of events largely beyond his control (the Watts riots, campus disturbances and Pat Brown's sagging popularity), the scenario for a third Senate term also may not be entirely of his own making. To a great extent, his political fortunes now are tied to Jerry Brown's performance in Sacramento and to his new partnership with Byrd and Carter. Cranston has been one of Brown's most enthusiastic and outspoken admirers. He sees the Governor as a vital component of continued Democratic rule in California. Any dimming of Brown's political star, particularly after Tunney's defeat, would be a negative omen for Cranston.

Similarly, Cranston stands to inherit a good deal of the pluses and minuses of Carter's first-term record. Both are up for re-election in 1980. So far, Cranston is off to a good start with Carter. During last summer's Democratic convention, Cranston stepped in as an effective mediator between Carter and Brown during the last-minute jousting and smoothed the path toward some semblance of post-convention party unity. It was a good turn Carter did not forget. In fact, he told California convention delegates after he received the nomination in Madison Square Garden that he hoped Cranston would move into a congressional leadership post.

Relationship a variable

Cranston's relationship with Byrd augurs well — at least so far. While many observers have pictured Cranston as the liberal counter-weight to the more conservative Byrd, the

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ideological gap separating them has narrowed considerably in recent years. Both men have moved to the center — Byrd from the right and Cranston from the left. Also, Byrd is not expected to follow the example of his predecessor, Mike Mansfield, and delegate a wide array of floor duties to his whip. Byrd instead believes in personal supervision of many legislative details, thus freeing Cranston to spend considerable time on California matters.

While his party's fortunes in both Washington and Sacramento undoubtedly will be a key factor in shaping his political future, Cranston has demonstrated great personal resilience when the tide goes the other way. During his first two years in the Senate, he worked quite well with GOP colleague George Murphy — and earned Republican plaudits back home for his bipartisanship. Later, he reached a modus vivendi with Ronald Reagan and, more recently, he has begun to work quite amicably with Hayakawa. While the political weather may change, Cranston has shown he can be a politican for all seasons.

Which raises the most basic question about Cranston's upcoming performance as whip: Now that he is part of the Senate leadership, how forcefully will he lead? His past record shows that on some issues — opposition to the VietNam War, support for detente with the Soviet Union, conservation of natural resources, repression of liberty by dictatorships — Cranston will not hesitate to speak out and to act. He worked hard behind the scenes recently to prevent James Schlesinger's appointment as secretary of defense, fearing that he was too much of a hard-liner. He also showed no reticence in reminding Carter after the election that domestic progress under many a Democratic president in modern times has been bedeviled by the advent of war. But Cranston tends to be highly selective when it comes to causes for which he is willing to go to bat. In many instances, his natural instinct is to play it safe, keep quiet or let others get out in front. He kept a low profile on the VietNam amnesty issue and infuriated California Democrats in the House by showing little desire to push for patronage appointments in the Carter Administration.

The question they and others are asking is: Now that Cranston has accumulated more power than he ever had before, what is he going to do with it?

California *CAPSULES*

McComb suspended from Supreme Court by state commission

In an unprecedented action, the state Commission on Judicial Performance recommended that state Supreme Court Justice Marshall McComb, 82, be removed from office because of "permanent mental disability." McComb was automatically suspended from the bench pending action on the recommendation by a tribunal of seven Court of Appeal justices selected by lot. The commission report contained a detailed list of charges. Shortly before his suspension, McComb participated in several significant decisions by the court. He joined the majority in a 6-1 ruling, *Marvin* v. *Marvin*, establishing the principle of joint property ownership between unmarried couples living together. McComb dissented in a 4-3 decision, *Allen* v. *Superior Court*, giving the defense the right not to reveal the names of its prospective witnesses to the prosecution in a criminal case.

Sunset's Lane named chairman of coastal panel

Melvin B. Lane, president of Lane (Sunset) Publishing Company, was named chairman of the new California Coastal Commission by Governor Brown. Lane, 54, had served as chairman of two other commissions charged with protecting the state's shoreline. The new commission met for the first time January 12th and immediately voted to reactivate the six regional commissions, at least until September.

Wallace ends milk-price controls, submits resignation

Almost simultaneously, state Food and Agriculture Director Luther T. (Tim) Wallace ended state control over milk prices and announced his resignation "for personal reasons." In another major Administration personnel move, Governor Brown named Alan Rothenberg, 31, a Bank of America vice president, as interim secretary of business and transportation, succeeding Donald Burns, who resigned to re-enter law practice in San Francisco.

Governor calls special election for Beilenson seat

Governor Brown set March 8th as the date for a special election to fill the vacancy caused by the election of former state Senator Anthony Beilenson to the House of Representatives. If no candidate receives a majority of the vote, a runoff will be held on April 5th, the same date as the Los Angeles city election. The April 5th election could produce two more vacancies in the Legislature. Assemblyman Robert Cline, a Republican, is running for city controller, and Assemblyman Jim Keysor, a Democrat, is a candidate for city council. (A familiar face left the Assembly last month, when 76-year-old Sergeant-at-arms Tony Beard retired. Beard, a one-time Hollywood stunt man, was the first subscriber to the *California Journal*.)

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Industry vs. ecology showdown: the $500 million Dow plant

On January 19th, the Dow Chemical Company announced that it would not proceed with its plan to build a mammoth petrochemical plant on the Sacramento River. Whether that decision is irrevocable remains to be seen. Nevertheless, the Dow proposal produced an extraordinary amount of turmoil within the state's business, labor, environmental and political communities. The following article, written before Dow made its announcement, explains the issues involved in the Dow controversy.

By ANNE JACKSON

If there's one thing that strikes the visitor to the Sacramento Delta town of Collinsville in Solano County, it's the uncommon stillness of the place. Only the calling of birds from the nearby marshes breaks the silence. Nestled sleepily on the banks of the Sacramento River in a countryside dotted with windmills and flocks of grazing sheep, the little town hardly looks like the subject of a controversy raging in courtrooms and bureaucratic offices from San Francisco to Sacramento. The controversy: Dow Chemical Company wants to build a giant petrochemical complex in the Montezuma Hills — one intended to supply 40 percent of the raw materials for West Coast plastics manufacturers.

One impetus behind the project is Alaskan oil. The trans-Alaska pipeline is nearly completed and tankers are scheduled to begin delivering over a million barrels a day of North Slope oil to California in 1978. That makes the siting of such a petrochemical complex somewhere in California a natural.

The project Dow has in mind is a 13-unit, $500 million plant built half in the Montezuma Hills, now farmland, and half across the river in the industrialized city of Pittsburg, where Dow already has an existing facility. The Montezuma plant would convert salt and naphtha, a kerosene-like petroleum derivative available from refineries, into materials like ethylene, acetone, vinyl chloride and styrene. Those substances are the building blocks for such products as auto bodies, boats, latex paint, kidney dialysis filters, styrofoam cups and brake fluid. Four pipelines would be built beneath the river to connect the two plants; through them would flow the gases ethylene, propylene and hydrogen.

The central issues

Dow has purchased a 2,700-acre site in the Montezuma Hills, the environmental impact studies have been done and Solano County has given the project the go-ahead. The plant would be the only major petrochemical facility west of the Mississippi. But whether the project will ever be a reality is now becoming increasingly uncertain.

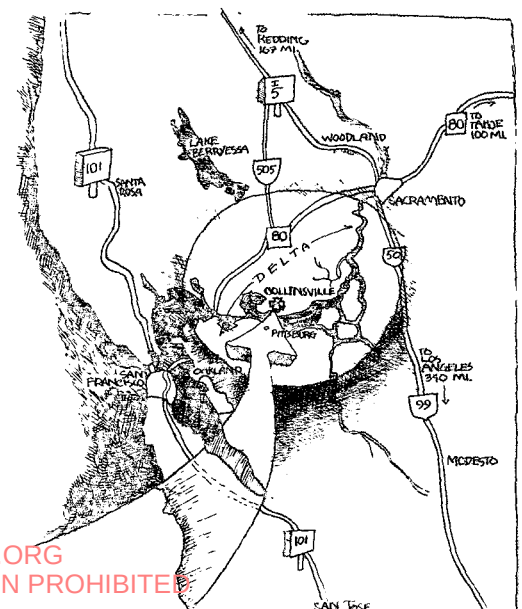
The author is a Sacramento free-lance writer.

Central to the dispute is the possible environmental effect of the plant, but the project has also raised some more general issues. Among them:

- How can the permit process be shortened and simplified?
- Do environmental impact reports effectively reveal the potential environmental hazards of a project?
- Must state agencies pass on the adequacy of the entire EIR before granting permits within their own jurisdictions?
- In view of the statewide environmental and economic consequences, should industrial siting decisions continue to be made at the local level?
- How should economic needs and environmental protection be balanced?

Environmentalists and an industry-labor coalition is facing off over the Dow project, while the Brown Administration is doing some nimble footwork to avoid either an anti-industry or anti-environment label.

At present, the environmentalists have an edge. The Bay Area Air Pollution Control District (APCD) has denied Dow a



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permit to build the first unit of the complex — a styrene plant — saying air pollution standards are already being exceeded in the area and that the facility would worsen the problem. Dow is appealing the decision. But even if the company wins that round, it has other government permit decisions to face, including APCD rulings on the rest of the complex. The Sierra Club is suing to block the project and the Attorney General's office has warned it may join in opposing Dow.

Some observers see Dow's troubles as a sign that "no-growth, anti-industry" forces have become too strong in California. Dow claims it needs 65 separate state, local and federal government permits (including leases, easements and other agreements) in order to build its plant. Since announcing the project two years ago and after spending $10 million on the land, environmental studies and plant design, the company has only four of the permits it needs. Now, with the denial of the APCD permit, the project has ground to a halt.

State Senator John Holmdahl complained in recent hearings on Dow that for industry, "the unwelcome sign is out." The state has 9.1 percent unemployment compared to a 7.9 percent national average and is gaining a nationwide reputation as a poor place for business to locate because of stringent environmental, worker safety and minimum-wage laws. (See "What's wrong with our business climate?" *CJ* 11/76).

Discourage industry?

If Dow loses its fight, industry representatives argue, no company will be willing to risk building in California again. Complains Doyle Williams of the Bay Area Coalition of Labor and Business: "Environmental zealots are trying to destroy the economy." But environmentalists point to the cost to health and to the economic damage to crops and property caused by pollution. According to official estimates, California agriculture, the state's number one industry, suffered a $55 million loss to pollution in 1974.

Dow's opponents like to remind labor that Dow is non-union, that the plant would provide only 1,000 permanent jobs, and that only 410 of those would be in Solano County where potential environmental damage is likely to occur. Dow is experiencing costly delays, say conservationists, not through the fault of environmental laws, but because the company selected an environmentally sensitive site in a heretofore undeveloped region, has tried to cover up the pollution it would cause, and is attempting to bulldoze its project through using political pressure instead of obeying the law.

The Brown Administration has tried to stay publicly neutral on the Dow issue, but has been accused by both sides of helping the other. A memo on the Dow project leaked to the media in August had Bill Press, director of the Office of Planning and Research, advising the Governor to "soon give some signal of pro-business sympathy." That had a ring of insincerity for some industry representatives, and at the same time sounded ominous to environmentalists who thought the Governor was caving in to labor-industry pressure.

Some of those fears stemmed from a meeting held last fall between the Governor and Dow's representatives. During the course of the meeting, Dow complained of problems with government red tape. According to Press, Brown promised only to monitor events and to see that Dow got a fair hearing. But as a result of the Governor's interest, Dow got special treatment. The time period during which the State Environmental Impact Report (EIR) was circulated for review among state agencies was shortened from the normal 45 days to 30, giving some agencies only a week to evaluate the four-pound study. Critics say that some agencies, influenced by what they interpreted as the Governor's bias in favor of the project, let the EIR slide through without much critical comment. Later, when they evaluated the federal Environmental Impact Statement (EIS), an almost identical document, agencies commented more severely — perhaps convinced by then that the Administration was not pushing the project after all.

Disputed report

The Sierra Club further contends in its lawsuit that the firm which prepared the EIR, J. B. Gilbert and Associates of Sacramento, was working not for Solano County, which was legally responsible for preparing the study, but for Dow. Originally, according to state government investigators, Solano County officials admitted they had no contract with Gilbert and didn't know how much the firm was paid for its work. That issue is now under legal dispute.

Whatever the reasons, environmentalists charged and many officials agreed that the EIR and EIS failed to do what was then required under state law — to fully describe the expected impact of the project on the "land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." (California law was changed effective January 1, 1977 so that now only "substantial" adverse impacts need be reported in a state EIR.)

The federal Environmental Protection Agency asked that the Dow EIS draft submitted by the Army Corps of Engineers include air dispersion studies. The EIR left state agencies with so many unanswered questions about the project's impact that none were willing to issue permits without additional information. In an attempt to alleviate the complicated stalemate, the Office of Planning and Research held marathon, three-day hearings in December so that Dow could answer enough questions to allow the agencies to make their permit decisions. Throughout those hearings Dow spokesman insisted that the plant would cause little environmental harm. One Dow expert testified that the plant's nitrogen oxide emissions would react in the atmosphere to improve air quality.

When the dust from the hearings had cleared, it was evident that no one yet knew what the environmental impact of the plant would really be. Some of the problems:

- *The company has not yet found a supplier from which to obtain the naphtha it needs. That matter is being made even more uncertain by recent moves to send Alaskan oil to the Midwest instead of California. Dow says it is not counting on Alaskan naphtha for its plant. Until a supplier has been found, though, the distances, methods and accompanying hazards of transporting Dow's naphtha remain unknown.*

- *Dow says it needs an additional 146 megawatts of electricity to run its new plant – four times the amount used by the city of Davis. The company doesn't yet know where it will get that power. The impact of the plant's energy use – be it from gas turbines, geothermal power, or hydroelectricity from as-yet-unbuilt dams – is still unassessed.*

- *Dow says it can't give exact estimates of its pollution because design of the complex is incomplete – and the company refuses to pay for more designs until it is sure the project will be approved. Some agencies say that they cannot issue a permit without more exact estimates – a stalemate.*

- *Dow refuses to reveal precisely what types and amounts of materials it would produce and ship from the new plant, saying the company should not be forced to tip its hand to competitors. Because of fluctuating market demands, say Dow spokesmen, the facility eventually built would probably be different from the one now planned.*

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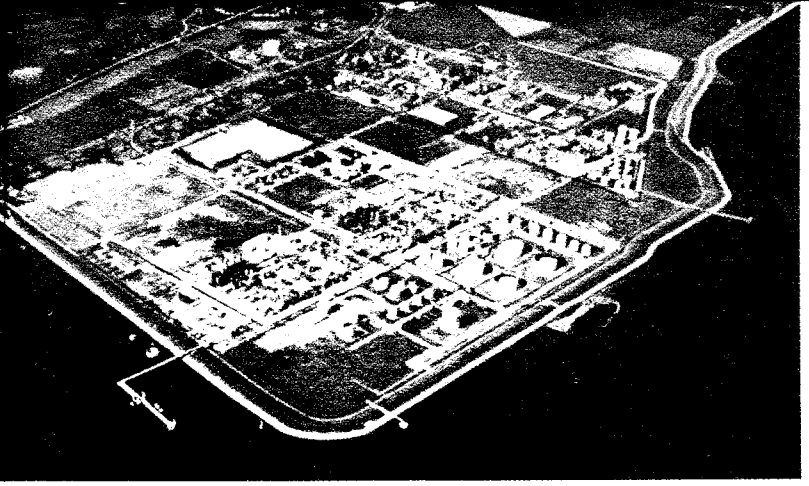

Aerial photographs showing comparable Dow complex in Holland (left) and Dow's Pittsburg plant and the Collinsville site.

Dow has been criticized for choosing to build in an agricultural region. But from the company's perspective, the site is an ideal one. Located at the easternmost reaches of the San Francisco Bay, the site constitutes most of the last undeveloped land left in California fronting on a deepwater ship channel. The land was relatively cheap as industrial sites go. (Dow paid $6 million for its parcel, the 2,700-acre McOmie ranch overlooking the river.) The proximity to Dow's Pittsburg plant is another advantage. Dow claims that locating in California, assuming a local source of naphtha, will save $56 million annually in transportation costs and a corresponding amount in energy.

Solano eager

It is also easy to understand why Solano County officials are eager to have the plant built. The facilitiy is expected to net the county $1.8 million annually in property taxes — one-seventh of the county's current total. While farmland would be lost, officials argue this is not prime agricultural land. Local ranchers grow oats, barley and wheat and raise sheep, but the hilly terrain makes irrigation impractical, so the farmers depend on rainfall. For Montezuma Hills ranchers, last year's drought meant no crops were harvested.

Some years ago, Solano County began advertising its river property to industrial buyers. Now nearly all the land along the river is either owned by, or under option to, industry. That includes ARCO, which wants to build a petrochemical plant twice the size of Dow's. No one has broken ground yet, however. (ARCO was also denied a permit by the APCD, but has made no move to appeal the decision.)

Environmentalists are dismayed at plans to industrialize the Montezuma Hills. The region is agriculturally productive in normal rainfall years, they argue, and should not be allowed to go the way of other farmland swallowed up by development. Wildlife is another concern. The area is home for numerous rare and endangered species including the southern bald eagle and the peregrine falcon. At the western boundary is the 55,000 acre Suisun Marsh, the largest of its kind in the continental United States. Some 202 species of birds and 26 mammal species are found there, and the marsh also serves as a major wintering ground for birds migrating along the Pacific Flyway.

County planners say they intend to limit industrialization to a two-mile strip along the river. Critics envision instead a massive plastics manufacturing complex in the region. And even the Dow plant by itself, say opponents, would have severe impact upon the entire Central Valley. Some of the specific considerations of government agencies and others:

• *The plant would be situated in the path of marine air blowing through the Carquinez Strait – the prime source of fresh air for the Central Valley basin. California's Central Valley is considered by some experts to be the most agriculturally significant region in the world. According to state Air Resources Board scientists, wind conditions and inversion heights also make the Central Valley a potentially worse air pollution basin than Los Angeles. Pollution from the Dow complex added to existing pollution, it is feared, could damage health and crops throughout the area.*

• *Ship and barge traffic through the Carquinez Strait and up the Sacramento Channel would double to 286 ships a year because of the Dow plant. The EIR notes that the new plant would cause an "18-fold increase over the 1973 total tonnage of hazardous material transported on the Sacramento River." Critics warn that chemical spills could endanger nearby municipal and industrial water intakes; threaten king salmon, striped bass and sturgeon runs; imperil the Suisun Marsh and spread toxic material throughout a wide area of the San Joaquin and Sacramento Rivers.*

• *If the Dow pipelines crossing the river should rupture – a possibility which arises because the pipelines would pass over the Antioch Fault – the EIR estimated that nine tons of ethylene and 60 tons of propylene would be released. Both are highly volatile gases which could bubble violently to the surface and possibly ignite if a boat were nearby. Otherwise, the gases could disperse into the atmosphere. Ethylene poses a particular danger to crops. The substance acts as an aging hormone in plants. Department of Food and Agriculture experts are worried about the impact of such an accident on local agriculture. Both ethylene and propylene are also agents in the formation of photochemical smog.*

• *One of the products Dow plans to manufacture is vinyl chloride – a flammable gas sometimes causing angiocarcinoma, a form of liver cancer. The Sierra Club claims Dow is bringing in enough salt (from which vinyl chloride is made) to make the facility the largest vinyl chloride plant in the U.S. – twice the size of any other in the country. Dow denies that, but won't say just how much vinyl chloride it will be making.*

Possible air violations

Just how significant the vinyl chloride emissions from the facility might be is the subject of much debate. Dow has a plant in Freeport, Texas, similar to the one it wants to build here. Figures from the Texas Air Control Board show that plant emitting 16.3 tons of vinyl chloride a day. Dow's Robert Perry, project coordinator, says those figures are out of date and that vinyl chloride emissions from the new plant would amount to a "drop in the ocean." The EIR and EIS do not verify that. Both lump together all hydrocarbon emissions (which include vinyl chloride, ethylene and other chemicals) and even that figure has varied. The EIR put hydrocarbon emissions at 208 pounds per hour; but the EIS, which was written later, had dropped the emission estimate to 150 pounds per hour.

"It looks like they saw where they were going to have air

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quality violations, so they just changed the figures," says Neil Moyer, head of the Air Resources Board's program evaluation office. "It's been like pulling teeth to get information out of Dow. They say they don't have enough design details completed to give a breakdown of hydrocarbon emissions. But if that's so, how can they give us any emission figures at all?"

Department of Food and Agriculture officials also had trouble finding out whether the plant would regularly emit ethylene, the plant-aging hormone. "I've raised the issue several times in face-to-face meetings with Dow, and in written comments to the EIR and EIS," said department environmentalist Dr. Robert M. Pratt in November, "but there's no response. They stonewall."

Replied Perry, "One question just gives rise to another. If we started answering everyone's questions there would be no end to it." In the December hearings, however, Dow spokesmen gave assurances that while the plant would indeed emit ethylene, levels would be low.

In its appeal before the APCD on its styrene plant, Dow is insisting that when the plant's emissions reach Dow's property line, they would be so dispersed as to be undetectable and that the company would therefore not be affecting the ambient air. The District and the Sierra Club argue that whether or not the emissions are diluted, they would still significantly harm the air quality.

Fatal mistakes?

Dow's problems with the APCD are not without irony. The company decided to test the APCD waters by applying only for a permit on the styrene plant — generally thought to be one of the cleanest of the 13 units planned. Environmentalists wanted the permit to be denied on the grounds that the application should cover the entire complex. But D. J. (Jud) Callaghan, the Bay Area air pollution control officer who has sole authority to approve or deny permits, has a reputation as a survivor. In 15 years on the job, he has denied only 36 permits — half of them in the last year when state and federal officials demanded a crackdown on polluters. Callaghan chose to deny Dow's permit on the basis of the plant's expected emissions, even though worse polluters are being allowed to operate. The result makes Dow look persecuted and the District, arbitrary — perhaps strengthening the company's basis for appeal.

If Dow wins that appeal, there are those who say the company has made fatal mistakes elsewhere on the project. One possible misstep concerns Dow's relationship with the Gilbert firm. Another centers around the converting of agricultural land to industrial purposes. The McOmie ranch, like other Montezuma Hills property, was under a Williamson Act contract — a ten-year agreement which gives farmers a tax break in return for their promise to keep their land in agriculture. Legally, an agreement may be abrogated if certain findings are made and back taxes paid. The Sierra Club claims the McOmie contract was broken illegally and, further, that Solano County violated its general plan when it zoned the land for industry.

If the Sierra Club wins on those points, Dow may have to wait ten years before it can develop its property, unless pressure to create jobs and stimulate economic development weighs more heavily upon the Administration and the Legislature. Assemblyman Dan Boatwright has said that if the Dow project is turned down, he will draft special legislation to get it built.

Whatever the outcome, the struggle over the Dow plant has brought the whole subject of industrial siting into the spotlight. At present land use decisions are nearly always made at the local level where the promise of increased tax revenues from industry is a major consideration. Private landowners, too, are lured by the chance to make big money. (McOmie was paid $6 million for property which would have been worth about $800,000 as agricultural land.) Under current EIR procedures, the project builder is nearly always able to inflict bias on the report.

Says Bill Press: "Dow's case is a textbook example of how these decisions should not be made. Management comes in and decides where it can best locate based on where there is cheap land and a favorable political climate, but ignoring things like whether housing is available, where jobs are needed, and where the environmentally sensitive areas are."

The flip side of the problem is that, especially where there is opposition, the process of gaining permission to build can be long, costly and uncertain. Requirements and lines of authority are fuzzy. To ease those difficulties, the Brown Administration is proposing that regional industrial siting agencies be set up to designate areas where industry may and may not locate. The Administration also is working to streamline the permit process. The Office of Planning and Research says it has already pared in half the time it takes for permits to be processed through state agencies. Those actions, of course, are too late to affect the Dow project.

Will industry give up on California if Dow loses its battle? "I don't think Dow is going to be the bellwether for industry," says Press. He, and others around the Governor's office, feel that "the market is here, the climate is here, the population is here, the opportunities are here. I think people who are serious about locating in California will just be more sophisticated in looking at what they can and can't do."

Dow's answers to the ecologists

Here are the Dow Chemical Company views on some of the environmental concerns that have been raised about the proposed Northern California plant:

Air quality:

Dow's proposed plants will utilize the latest and best air control technology in the world. Many technological improvements have been made in recent years which are impractical or too costly to use in older plants but which can be designed into new plants today. If our plants cannot be designed to meet air standards, we will not be able to get permits to build them. Will we be able to eliminate all air emissions? No one has been able to accomplish this. But we keep trying.

Health:

Dow has been producing vinyl chloride for many, many years. There has never been one single case of cancer detected in a Dow employee that was related to work in a vinyl chloride plant.

Shipping accidents:

An analysis of water shipments and accidents in the nation show that the probability of an accident involving a Dow ship in the Delta is one in every 40 years. These statistical odds, however, ignore technical advances that have been made in very recent years in the field of marine accident prevention and clean-up techniques. . . . Very elaborate facilities have been designed to prevent or contain accidental spills at the Dow dock.

Water quality:

The proposed Dow plants will discharge nothing — absolutely nothing — into the river. We propose to take water from the river during certain high-water seasons of the year, store it and use it continuously in a recycling system on the plant site.

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TAX RELIEF + SERRANO = $780 MILLION

Brown's budget magic: high spending but no new taxes

By Ed Salzman

With each passing year, it has become increasingly apparent that Jerry Brown wasted his time serving as Secretary of State from 1970 to 1974. He should have been Ronald Reagan's finance director.

This was supposed to have been the year when Governor Brown's fiscal feet were put to the fire with the compound problem of the *Serrano* school-financing decision and the cry for property-tax relief. But through a combination of factors, Brown's public penuriousness among them, the Governor was able to hand the Legislature a budget on January 10th that went a long way toward solving these problems and still left the state treasury afloat in a sea of green.

Brown indicated that the state could provide $480 million in property-tax relief plus $300 million as the first of five steps toward equalizing funding of the schools without the necessity of raising taxes. Three times, Reagan and the Legislature were forced to raise taxes to solve problems of this magnitude or smaller. Brown inherited a large surplus from Reagan, kept ahead through conservative budgeting and now is reaping the rewards of inflation and the improving economy.

This year's Brown budget is more than 20 percent higher than the one he submitted a year ago, but that hardly matters. In fact, Brown handed lawmakers a $14.3 billion budget, but also added $900 million in supplemental allocations, including the funds for school equalization and property-tax relief. This was done because the state Supreme Court acted on *Serrano* on December 30th, after the budget had gone to press.

The court, in a 4-3 decision, reiterated its 1971 holding: "So long as the assessed valuation within a district's boundaries is a major determinant of how much it can spend for its schools, only a district with a large tax base will be truly able to decide how much it really cares about education. The poor district cannot freely choose to tax itself into excellence which its tax rolls cannot provide. Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option." The ruling, based on the equal-protection clause of the state constitution, was authored by Justice Raymond Sullivan, joined by Chief Justice Donald Wright and Justices Mathew Tobriner and Stanley Mosk. The state was given until September of 1980 to enact a suitable substitute.

In one dissenting opinion, Justice Frank Richardson said the state constitutional provision authorizing the school-finance system is just as valid as the equal-protection clause. In another dissenting opinion, Justice William P. Clark, joined by Justice Marshall McComb, hit the issue that the Legislature will find most perplexing: "While California's present system for school financing may be less than perfect and although it departs from total equality, the minor departure is justified and the system should be upheld. Furthermore, invalidation takes from the poor and gives to those most fortunate — hardly the goal of equal protection."

Clark was referring to the fact that *Serrano* will hurt the large cities with large minority populations, urban centers with high assessed valuation but with extraordinary education problems that more than match their factories. The Governor's preliminary plan would include these key elements:

- *Elimination of state basic aid of $125 per student regardless of the wealth of the district. High-wealth districts would either lose the money or compensate for the loss with higher local taxes.*

- *Freezing of tax rates for the wealthiest five percent of school districts. Additional taxes raised by these districts*

KEY BUDGET FACTS

Total: *$15.2 billion, up 14.3 percent from the current level of spending, 18.8 percent from the budget signed into law last year and 20.6 percent from the budget submitted to the Legislature by Governor Brown a year ago.*

New taxes: *none.*

Economic forecast: *significant improvement.*

Where money goes: *education, 37 percent; health and welfare, 30 percent; property-tax relief, 11 percent; business and transportation, 6 percent. (These figures do not include the Governor's proposed property-tax relief plan, which was added as a supplement to the basic budget.)*

How money is raised: *sales tax, 33 percent; personal income tax, 30 percent; bank and corporation tax, 12 percent; highway-user taxes, 9 percent.*

Year-end projected surplus: *$1.1 billion on June 30, 1977 and $846 million on June 30, 1978.*

State employees: *215,796, up 2,202 from the estimated current work force.*

Pay raises: *the equivalent of five percent for most state workers, with state-college faculty members getting 2.2 percent.*

Federal aid: *$8.2 billion, an increase of $131 million from the current year.*

Outstanding bonded debt: *$5.5 billion and holding steady.*

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from assessment hikes would be distributed to poor districts.

- *A five-year plan designed to increase the state share of the cost of the public-school system from 40 to 50 percent. Next year, the additional contribution would be $300 million. It would rise to a state contribution of $1.2 billion in the final year for a cumulative total of $3.3 billion.*

- *Various special state programs for those with problems would be streamlined.*

This program was greeted with glee by Republicans, who called it more of a GOP than a Democratic approach. This may be partly because the school districts that figure to lose money are predominantly in Democratic areas. California Teachers Association President Steve Edwards opposed the Brown plan on two grounds — that it does not funnel enough state money into schools, and that it does not recognize these urban factors. The Legislature, however, may have a remedy for the central-city dilemma — a massive superimposition of so-called compensatory-education funds over the basic structure of the new system. There will be heavy support for such a concept from key legislators, starting with Assembly Speaker Leo McCarthy, because his San Francisco schools would be clobbered by a strict interpretation of *Serrano*.

This is the complete text of Governor Brown's budget message, by far the shortest in history:

January 10, 1977

To the Members of the Legislature of California:

Limits impose restraints but also create possibilities.

The budget I submit to you today calls for no new taxes, provides substantial homeowner property tax relief, senior citizen renter assistance and substantially meets the *Serrano* principle of equal school funding.

This budget also confronts the reality intensified by the tough criminal statutes passed during the last two years and calls for construction of prison facilities to house an additional 2400 inmates.

For our troubled state hospitals, I propose 1,630 new positions as well as adequate staffing for a program to involve citizens in volunteer efforts to help meet the human needs of those we serve.

In addition, billions of dollars are committed for the construction and improvement of water-treatment and sewerage facilities, roads and long-overdue state buildings.

State funds for creative and artistic endeavor have been increased 300 percent. A society is more than bricks and mortar and must commit itself to the human spirit.

Edmund G. Brown, Jr.
Governor

Brown's companion plan for property-tax relief may well be unrecognizable when it comes out of the legislative grinder. The basic elements of the Administration proposal:

- **Split roll.** Property would be divided by constitutional amendment into three categories: single-family homes, multi-family dwellings and all other. After 1978, rates would be designed to freeze the contribution of each sector to the proportion payed in that base year.

- **Tax lid.** There would be a limit on the amount each county could collect from property taxes, with growth limited to the increase in personal income. This is substantially the same as the plan proposed by Ronald Reagan for state spending in Proposition 1, which was defeated in 1973.

- **Elderly renters.** About $80 million a year would be given to renters over 62 with incomes under $12,000 a year. The maximum would be $288. About 416,000 elderly renters would be eligible.

- **Homeowners.** This is the most complicated and, perhaps, the most important part of the package politically. About $400 million a year would be given in rebates to about half the state's 3.9 million homeowners. The amount of the rebate would depend on income and the amount of property taxes. The state would give back up to 75 percent of the property taxes paid based on percentage of income (four percent to a family with a $20,000 annual income, for example). The maximum would be $700 per household, and there would be no rebate on homes valued over $67,000.

McCarthy has already raised several key questions about the Brown plan. The speaker doesn't feel it provides enough money, especially at a time of plenty. He wants more than 1.9 million homeowners to be covered, and he wants relief for other renters besides senior citizens. Brown's position is vulnerable because he cannot afford to offend half the homeowners in the state and almost all of the renters a year before he goes to the voters for another four-year term. He may be forced to spend some of the surplus he was hoping to keep intact for next year.

During legislative consideration of the budget, one of the biggest conflicts will be over salaries. Brown proposed a five percent boost for all except state University and College faculty members, who would get the 2.2 percent recommended by the Postsecondary Education Commission. The state Personnel Board recommended 10.1 percent for most state workers, and employee organizations are screaming that they deserve that boost. They are supported by Legislative Analyst A. Alan Post, who charged that the state is getting away from paying salaries comparable to those in private industries.

Other budget items

The allocations for higher education include $700 million for the University of California and $638 million for the state colleges. UC had requested $738 million and the college system $656 million. In the health and welfare field, the most significant increase is $163 million for Medi-Cal, bringing the state's half of the program cost to $1.3 billion. Brown also proposed 1,630 new workers for the embattled state mental hospitals at a cost of $21 million. He budgeted $10 million for prison expansion to accommodate about 2,400 additional inmates.

Three of the Governor's pet agencies received large boosts — the Conservation Corps, $11.8 million, up $2.6 million; the Arts Council, $4.7 million, up $3.3 million; and the Agricultural Labor Relations Board, $9 million, up $1.8 million. The Legislature would get an increase from $50 to $56 million, a 12 percent raise. But the allocation for the governor's office would hold firm at $3.3 million.

In sum, this is a fiscal package with great public appeal — no new taxes, significant rebates, school reforms, a hefty surplus, local government spending limits and continued restrictions on appropriations for most state operations. It is the kind of budget to make a Ronald Reagan drool.

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THE GREAT CALIFORNIA PRISON BREAK?

Way's mission – apply the new crime law, keep the streets cool

By Ed Salzman

As a state senator representing the San Joaquin Valley, Howard Way was asked to investigate the case of a constituent who had been imprisoned following a career in crime. Way reports: "He had been in prison for 14 years, all clean time. He had become an expert in the artificial insemination of cows. A dairy wanted to hire him, and he offered to sleep every night in the Turlock jail." At first, Way could not obtain the man's release. Eventually, the convict was freed, and today he is the dairy superintendent at the same institution in which he was once a prisoner.

On another occasion, Way investigated the case of a citizen of the Philippines who had been sent up after killing someone in a bar brawl shortly after arriving in San Francisco. This prisoner had spent 52 years behind walls — all good time — when Way started working on the case. (Today, says Way, this kind of an offense brings 90 days in the county jail.) On the second try, Way convinced the Reagan Administration that a pardon should be issued — so that the man could return to the wife he had left behind in the Philippines.

This kind of constituent service led Way into a detailed study of the state correctional system, although he was much better known for his leadership in such fields as agriculture and social welfare reform — and especially for his leadership of the Young Turk revolt against the Senate Old Guard in 1969. Nevertheless, Way found time to attend parole hearings and was appalled by what he found. "A member of the Adult Authority and a staff assistant spent only six or seven minutes on each hearing, and one of them would spend the whole time reading the file on the next case." Afterward, Way proposed legislation to make drastic changes in the Adult Authority, but the bill was vetoed by Ronald Reagan.

Most difficult post?

Way retired from the Legislature last year and planned to concentrate on sharpening his tennis game. But now he faces perhaps the most difficult challenge in his political career — making the state's new Uniform Determinate Sentencing Act of 1976 work. In a surprise move, Governor Brown appointed Way — a relatively conservative Republican who favors the death penalty — as chairman of the Adult Authority and presumably as head of the new Community Release Board, which will start implementing the new law on July 1st. While the act was being negotiated last year, Way met often with Brown's legal affairs secretary, J. Anthony Kline, to hammer out details of the measure. Way had served as vice chairman of the special committee sponsoring the plan to eliminate the state's indeterminate-sentence system, which had come under attack from both liberals and conservatives.

Way is stepping into perhaps the most difficult appointive post in state government. A liberal-conservative coalition prevented the last Brown appointee to that post, former corrections chief Ray Procunier, from being confirmed by the Senate. (A Reagan Adult Authority chairman, Ray Brown of Oakland, was brought back to fill the time between Procunier and Way.) The real issue is not whether judges will hand down specific or indefinite sentences. Nor is it the classic conflict between the concepts of rehabilitation and punishment — the consensus being there is no way anyone can tell whether a prisoner truly has been rehabilitated. The issue is simply how long convicted offenders are going to lose their freedom for their acts against society.

Prisoner organizations and their allies have long contended that the indeterminate sentence resulted in some inmates serving unreasonably long terms. Some law-

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enforcement officials contend that the Adult Authority released many prisoners far too early, with ghastly crimes occurring shortly after release. Thus, there was agreement between these rival forces that the old system had to go.

Still, it was no easy task to draft a bill that was generally acceptable to both sides. It was primarily through the tenacity of the special committee chairman, Senator John Nejedly, a former Contra Costa County district attorney, that SB 42 was enacted. Now, following that delicate operation, there are efforts by the Brown Administration and some law-enforcement officials to make major revisions in the new system before the July 1st effective date. There are three key areas of conflict:

The new sentences — Under the old system, a judge merely gave an offender "the term prescribed by law," which, for example, was one to 14 years in the case of a forger. This gave the Adult Authority the option of keeping the prisoner for the full 14 years or releasing him within just a few months. Supposedly, the new sentences are based on the actual time served. Supporters of the bill claim there will be little or no change.

San Diego District Attorney Ed Miller, among others, claims that, contrary to public pronouncement by sponsors of the bill, "it is obvious that the possible punishment for most crimes in California has been drastically reduced." The cold statistics seem to support Miller. Under the old law, a robber's sentence would run from five years to life, with eligibility for parole beginning after 20 months. The average robber spent 44 months in prison. Under the new law, judges must sentence robbers to one of three terms — two, three or four years. The assumption is that the sentence will be for three years, unless there is a compelling reason for a longer or shorter term. Time can be added for use of a gun. But one-third of the sentence must be dropped for good behavior. Burglars now average 43 months. The new sentence is the same as for robbery. A forger now spends 28 months in prison, but the new sentence will be 16 months, two or three years (less good behavior).

Under the new law, judges can grant probation or one of the three specified sentences. The only exception is a crime that carries life imprisonment or the death penalty, in which case the indeterminate sentence still applies. Crimes are now divided into four classes:

1. Attempted robbery, forgery, assault on a peace officer, grand theft, etc. with sentences of 16 months, two years or three years.
2. Robbery, perjury, arson and involuntary manslaughter with two, three or four year sentences.
3. Forcible rape, sale of heroin, safecracking, etc., three, four or five years.
4. Second-degree murder, five, six or seven years.

It remains to be seen whether the average-time statistics drop under the new system, as seems likely. Way says it is his intention that there be no change, and he plans to keep a close watch on judges to see that sentencing policy is uniform throughout the state. The question is how much control he can exercise if the basic mathematics dictate a reduction.

Ironically, the prime liberal voice against SB 42 in the Legislature, Assemblyman Alan Sieroty, feels that the bill will lead to longer rather than shorter terms. As chairman of the Assembly criminal justice committee the last few years, he helped delay enactment of the Nejedly bill. Sieroty claims that sooner or later highly publicized crimes by ex-convicts will produce demands for longer terms, and the Legislature will respond by amending the longer sentences into the new statute. Based on past experience, Sieroty's prediction may well come true. It was only through the efforts over the years of Sieroty and a small band of liberal colleagues on the criminal justice committee that harsher penalties have not been adopted.

The prison backlog — Perhaps an even more emotional feature of SB 42 is the requirement that all those now in prison be given release dates as though they had been sentenced under the new law. Of the 18,000 prisoners in state institutions, it has been estimated that about 40 percent will be released within the next 18 months. Most of them would have been given their freedom under the old system, but there is considerable disagreement over how many others will be given their walking papers — and how dangerous they are.

Police Chief Ed Davis of Los Angeles calls SB 42 "The Great California Prison Break" and charges: "A new escape tunnel has been dug for San Quentin prisoners, but this one had the help of the Governor and the Legislature." The minority of law-enforcement officials who opposed the Nejedly measure emphasize that the Community Release Board will have no alternative but to open the gates to offenders who have served the time prescribed by the new law, some of whom would have been retained under the old system. Davis says that on July 1st the state will release thousands of hardened criminals to prey on the California citizenry.

"That's not going to happen," insists Way. "That's just typical Davis rhetoric. As long as I'm chairman, the welfare of the community will be the prime consideration." Way claims that SB 42 did not change the length of terms but merely lets prisoners know from the start when they will be freed.

Nevertheless, the Brown Administration in concerned about the situation and is suggesting a change in the law. SB 42 now says the board must be "guided by" the sentencing schedule. The proposed amendment would use the language "guided by, but not limited to." Opponents argue that this change would unhinge the SB 42 compromise, at least for those now in prison.

Release procedures — Under SB 42, the Community Release Board is given only until the end of September to establish terms for those in prison. And hearings must be conducted by the entire nine-member panel. The Brown Administration and Chairman Way agree that it will be virtually impossible for the board to conduct that many hearings in such a short time, even if they are started unofficially before July 1st. The Legislature will be asked to extend the time — perhaps until the end of the year or beyond — and allow less than the full board to conduct hearings. (The new board, incidentally, will replace both the Adult Authority and the Women's Board of Terms and Parole. At least two members of the new board must be women.)

SB 42 was designed to bring order out of near-chaos. Thus far at least, the reaction has been just the opposite. It has raised some of the age-old questions about incarceration. Just how successful the new system will be should depend greatly on the leadership of Chairman Way.

In 14 years of legislative service, Way has shown that he can be tough, as he was during the nine months he served as head of the Senate. But he also has a strong sense of justice, evidenced by his efforts on the part of the dairy artificial inseminator and the visitor from the Philippines. He is a Republican serving in a Democratic administration, and he will be an easy target from left and right.

Partly because of his conservative GOP background, Way was surprised to be selected to head a board that will be watched by penologists everywhere as another California experiment. But Way does not feel uncomfortable working for Brown. "Despite his opposition to capital punishment," he explained, "the Governor is not a liberal on crime or on the spending of money."

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KIDS TO SAN QUENTIN?

The uncertain consequences of juvenile-justice reform

By BARBARA J. SWAIN

Alameda County protested the expense of additional prosecutors. Yolo County went into shock over the anticipated cost of providing runaway shelters and crisis-resolution centers. Sacramento County looked at its projected budget and asked the Legislature to repeal the entire new law placing additional juvenile-justice responsibilities on local government. Throughout the state, county officials (except in Los Angeles) screamed about the fiscal implications of the 1976 junvenile-justice reform act, AB 3121 by Assemblyman Julian Dixon, which forces counties to hire additional prosecutors and to provide increased counseling and separate housing for non-criminal minors taken into custody. Governor Brown responded to the chorus by promising that the Department of Finance will assess the costs and that the state will pick up the tab for implementing the new law.

Effective at the start of 1977, Dixon's bill was an attempt to make California's juvenile-justice system more responsive to the juvenile crime problem, which has intensified dramatically over the past decade. Between 1968 and 1974, the number of juveniles arrested for crimes against individuals rose 47 percent. The increase in violent crimes committed by minors was almost twice as high in California as in the nation as a whole. Juvenile crime is rising at a rate almost double that of crimes committed by adults.

In a 1974 report by the Assembly Select Committee on Juvenile Violence, the old system was described as "confused, fragmented, and disorganized." Traditionally, the purpose of juvenile courts has been to rehabilitate delinquent youths, but the increase in crime has led many to question the legitimacy of this premise. Does the juvenile-justice system reform delinquent youngsters? If not, can the system be amended so this can be achieved? Or should California reorient its juvenile-justice system towards punishment, as has been done with adult offenders?

The author, a political-science student at Scripps College in Claremont, prepared this article as a Journal *intern.*

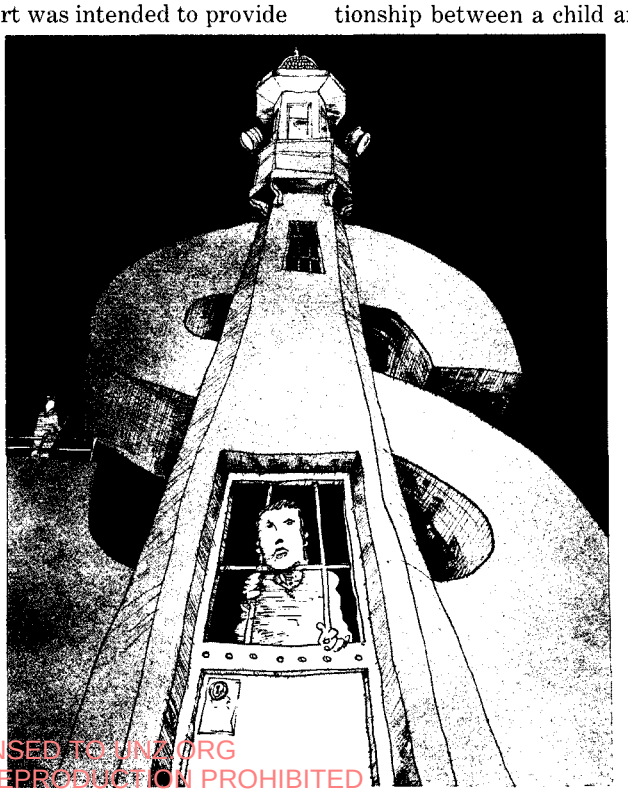
Harsher treatment

District attorneys and police officers propose harsher treatment for violent criminal offenders. Probation departments claim the juvenile-crime problem can be improved through counseling and social services. AB 3121, by providing for separate treatment of criminal and non-criminal offenders, took lessons from both.

The law-enforcement faction obtained its desideratum with a crackdown on criminal minors, who now face adversary proceedings with the local district attorney prosecuting them on behalf of the state. Before AB 3121, juvenile court was intended to provide for the well-being of the minor and the protection of the public. Now, a prosecutorial philosophy will reign over the court, with the juvenile-justice system serving to impose upon the minor a sense of responsibility for his or her own acts.

Prior to AB 3121, district attorneys were involved with juvenile proceedings only at the request of the court. The probation officer wore two hats — one as the prosecutor and one as the rehabilitator. This double role was criticized by many supporters of Dixon's bill as seriously hampering the rehabilitation process.

The involvement of a probation officer in the accusatory phase poses several serious problems. Valuable rehabilitation time may be lost as a probation officer assembles information for hearings. Further, parents and minors have little trust in an agency which files an adversary petition. Chances for an effective working relationship between a child and a proba-



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tion officer may be destroyed if the same officer once played the role of a prosecutor in court.

Tried as adults

Probation officers are skeptical about the increased involvement of the district attorney. Tim Fitzpatrick, lobbyist for the California Probation, Parole and Correctional Association, is concerned that advocates of this law are presenting the adversary nature of the adult-justice system as a model for the juvenile system. He asks, "Who is willing to say that the adult system stands as such a model of perfection?"

One portion of the law — termed the "tough" section — makes it easier for juvenile courts to transfer older juveniles into the adult system. Sixteen and seventeen-year-olds who commit any of several violent crimes have been graduated to an adult status, unless they can prove that the juvenile court is the proper forum for their trials. Before AB 3121, minors were shipped to adult court only if they were found unfit for the juvenile system at a special hearing. Now the burden of proof lies on the juvenile; he is guilty — of adulthood — until proven innocent.

These changes mark another phase in a gradual evolution of juvenile court law toward a system with rights and liabilities characteristic of the adult system. Traditionally, juvenile law has centered around the welfare of the minor, with juvenile court assuming a guardianship role. This established *parens patriae* concept was abandoned in 1967 when the United States Supreme Court handed down the landmark *Gualt* decision. *Gualt* built on existing California law to give minors most of the protections and proceedings enjoyed by adult criminals. AB 3121 continued to narrow the gap between the juvenile and adult court systems.

The new juvenile-justice law doesn't stop with criminal reforms. Its "liberal streak" removes non-criminal offenders from the criminal procedures of the juvenile court. Minors who run away, are found "guilty" of truancy or are judged incorrigible are now separated from criminal offenders. They have a variety of alternative services made available to them, such as runaway centers and crisis-resolution homes. Whenever possible, they will be returned home. At no time will they be detained with criminal offenders in secure facilities such as juvenile hall, California Youth Authority centers or work ranches.

Probation officers remain wary of the district attorneys' stepped-up activity, and law enforcers are uneasy with the non-criminal reforms, but both sides seem fairly satisfied with their slices of the cake. Sacramento County took a head start on a portion of the law by establishing a neighborhood alternative center for non-criminal offenders last October, and it appears to be running smoothly. On the whole, everyone is willing to give the new law a good try — except the administrators who balance the counties' check-books.

Cost disclaimer

To secure passage, the Legislature attached a disclaimer to Dixon's bill. Based on the premise that any additional costs would be offset by other cost savings, the disclaimer excused the Legislature from providing appropriations for implementation of the law. Yet Terry Turner, budget specialist for the Sacramento County Board of Supervisors, complains: "There is no way this law will not bring extra costs to counties." A consensus exists among county administrations that the additional costs are far out of reach of county budgets.

To handle the extra workload, Alameda County hired an additional deputy district attorney at a $20,000 per year salary, plus clerical help and office space. Especially in smaller counties, providing alternative services to non-criminal offenders will be costly. One official in Yolo County speculates: "We can't lock them up, yet we can't afford the fancy counseling services . . . looks like we'll have to turn these kids back out onto the streets."

These troubles epitomize a four-year-old grievance of local government officials over the 1972 tax reform measure, SB 90. To control runaway increases in property taxes, the 1971-72 Legislature froze property tax rates for cities, counties and special districts and placed a revenue limit on school districts. In exchange, local governments were promised reimbursement for legislative mandates which increased their costs. Over the years, however, the Legislature employed disclaimers to exempt itself from paying for many of the programs it created.

Sacramento County has been the most outspoken critic of the new law. At a supervisors' meeting last November, one member suggested a radical solution — the county should simply refuse to implement the law. Later in the month, using a more reasonable approach, the board drafted a resolution to the Legislature requesting suspension of the law until counties could assess the costs.

In response to the Sacramento supervisors, Governor Brown admitted there were additional costs involved in AB 3121 and promised that the Department of Finance would recognize them. However, no money has been appropriated yet and, as one Sacramento County official put it, "I need to see an exact dollar sign before I'll be satisfied."

Perhaps the only county that isn't fretting over the law is Los Angeles. An adversary procedure similar to the one called for in AB 3121 is ingrained in the woodwork of the juvenile-court system there. In effect, the new law put the Los Angeles procedure into effect statewide for criminal offenders. For the other counties, open non-compliance is impracticable. Counties would leave themselves vulnerable to lawsuits and budget cuts in other projects. One option would be to file an SB 90 reimbursement claim with the state Board of Control. If this were denied, the counties could then take an appeal to the courts. But counties will not be able to claim additional costs until they can compute the actual financial impact.

Survival first

Why did the Legislature pass such a measure without providing the implementing funds? Numerous laws containing provisions identical to the tough portions of Dixon's law have been introduced over the years, but have been killed by the Assembly Criminal Justice Committee. It wasn't until Alan Sieroty, the committee chairman, won the important non-criminal reforms that the bill was able to survive his committee.

But even with Sieroty's blessing, the bill couldn't muster the two-thirds majority necessary to pass with an appropriation. Instead, Dixon affixed the disclaimer which lowered the margin of votes needed for passage to a simple majority. As a result of this struggle for survival, AB 3121 wound up with a split personality and an uncertain financial future.

Only after the funds are provided and AB 3121 gets into full operation can its impact upon California's juvenile-justice system be fully assessed. No one knows yet whether the number of juveniles tried in adult court will increase dramatically. Will it be easier, as Tim Fitzpatrick suggests, "to send kids to San Quentin?" Will the new services available to non-criminal offenders be effective, or do runaways have to be locked up before they'll listen to a social worker? More basically, will these reforms do anything to stem the tide of juvenile crime?

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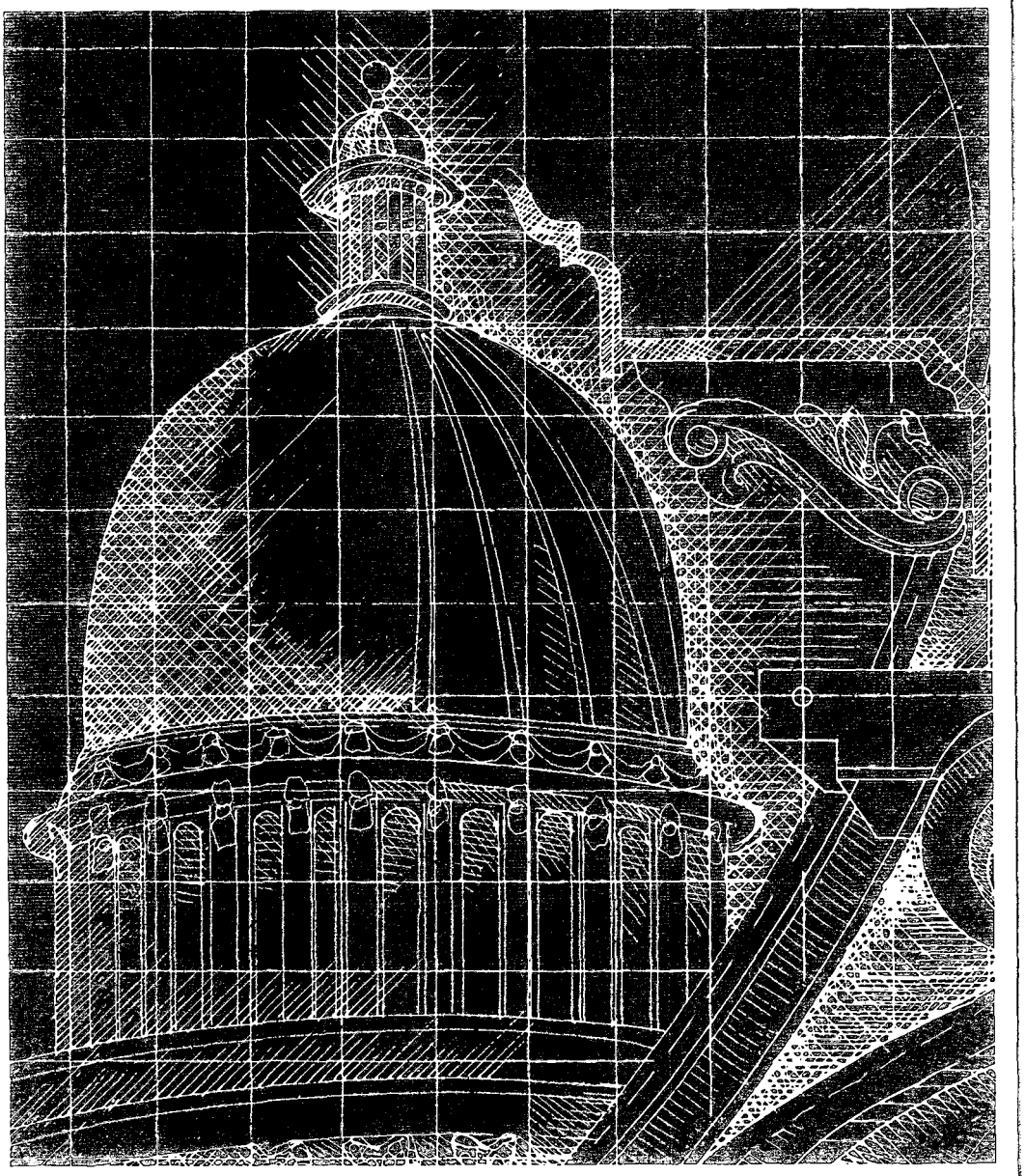

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Ryan, Leo J.	D	11	Most of San Mateo	181 2nd Ave., Suite 400, San Mateo 94401	(415) 348-1977
Sisk, B. F.	D	15	Merced, Mariposa, Madera, part of Stanislaus and Fresno	1130 O St., Fresno 93721	(209) 487-5004
Stark, Fortney (Pete)	D	9	Alameda (central and eastern)	7 Eastmont Mall, Oakland 94605	(415) 635-1092
Van Deerlin, Lionel	D	42	San Diego (southwest)	815 E St., Rm. 205, San Diego 92101	(714) 233-8959
Waxman, Henry A.	D	24	Los Angeles (Hollywood)	8455 Beverly Blvd., Los Angeles 90048	(213) 651-1040
Wiggins, Charles E.	R	39	Orange, (Anaheim, Fullerton)	1400 N. Harbor Blvd., Fullerton 92635	(714) 870-7266
Wilson, Charles H.	D	31	L.A. (Hawthorne, Compton)	15000 Aviation Blvd., Lawndale 90261	(213) 536-6680
Wilson, Bob	R	41	San Diego (Mission Valley)	880 Front St., Suite 6515, San Diego 92188	(714) 231-0957

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Senate

Name	Party	District	Counties	Main District Address*	Telephone Numbers (District)	(Capitol)
Alquist, Alfred E.	D	11	Alameda, San Benito, Santa Clara	777 N. 1st St., *San Jose* 95112	(408) 286-8318	445-9740
Ayala, Ruben S.	D	32	Los Angeles, San Bernardino	486 W. 5th St., San Bernardino 92401	(714) 884-3165	445-6868
Behr, Peter H.	R	2	Del Norte, Humboldt, Lake, Marin, Mendocino, Sonoma	1299 4th St., San Rafael 94901	(415) 457-9411	445-3375
Beverly, Robert, G.	R	27	Los Angeles	1611 S. Pacific Coast Highway, *Redondo Beach* 90277	(213) 540-1611	445-6447
Briggs, John V.	R	35	Orange	1441 N. Harbor Blvd., Fullerton 92635	(714) 879-2345	445-4264
Campbell, William	R	33	Los Angeles	7624 Painter Ave., Whittier 90602	(213) 693-8284	445-2848
Carpenter, Dennis E.	R	36	Orange	17880 Skypark Circle, *Irvine* 92714	(714) 557-3200	445-5831
Carpenter, Paul B.	D	37	Orange	1600 N. Broadway, Santa Ana 92706	(714) 547-9401	445-5581
Cusanovich, Lou	R	19	Los Angeles, Ventura	23241 Ventura Blvd., Woodland Hills 91364	(213) 888-0242	445-8873
Deukmejian, George	R	31	Los Angeles	444 W. Ocean Blvd., Long Beach 90802	(213) 435-4865	445-4961
Dills, Ralph C.	D	28	Los Angeles	16921 S. Western Ave., Gardena 90247	(213) 324-4969	445-5953
Dunlap, John F.	D	4	Napa, Sacramento, Solano, Sonoma, Yolo	583 Coombs St., Napa 94558	(707) 255-2553	445-3353
Foran, John F.	D	6	San Francisco, San Mateo	15 Southgate Ave., Daly City 94015	(415) 755-1766	445-0503
Garamendi, John	D	13	Alpine, Amador, Calaveras, El Dorado, Mono, Sacramento, San Joaquin, Stanislaus, Tuolumne	31 Channel St., Stockton 95202	(209) 948-7930	445-2407
Garcia, Alex P.	D	24	Los Angeles	205 S. Broadway, Los Angeles 90012	(213) 628-5155	445-3456
Greene, Bill	D	29	Los Angeles	2622 S. Western Ave., Los Angeles 90018	(213) 620-5600	445-2104
Gregorio, Arlen	D	10	San Mateo, Santa Clara	1177 University Dr., Menlo Park 94025	(415) 323-8448	445-0870
Holden, Nate	D	30	Los Angeles	4401 Crenshaw Blvd., Los Angeles 90043	(213) 295-6655	445-5215
Holmdahl, John W.	D	8	Alameda	22300 Foothill Blvd., Hayward 94541	(415) 538-4844	445-6671
Johnson, Ray	R	1	Butte, Colusa, Glenn, Lassen, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yuba	2400 Washington Plaza, Redding 96001	(916) 244-6006	445-6747
Marks, Milton	R	5	San Francisco	350 McAllister St., San Francisco 94102	(415) 557-1437	445-1412
Mills, James R.	D	40	San Diego	815 3rd Ave., Chula Vista 92011	(714) 427-7812	445-6767
Nejedly, John A.	R	7	Contra Costa	1393 Civic Dr., Walnut Creek 94596	(415) 934-4558	445-6083
Nimmo, Robert	R	17	Monterey, San Luis Obispo, Santa Barbara, Santa Cruz	1011 Pacific St., San Luis Obispo 93401	(805) 544-2274	445-5843
Petris, Nicholas C.	D	9	Alameda, Contra Costa	1111 Jackson St., Oakland 94607	(415) 464-1333	445-6577
Presley, Robert B.	D	34	Riverside, San Bernardino	3610 Central Ave., Riverside 92506	(714) 781-4111	445-9781
Rains, Omer L.	D	18	Santa Barbara, Ventura	500 Esplanade Dr., Oxnard 93030	(805) 485-2136	445-5405
Richardson, H. L.	R	25	Los Angeles	735 W. Duarte Rd., Arcadia 91006	(213) 620-2823	445-3688
Robbins, Alan	D	20	Los Angeles	12444 Victory Blvd., N. Hollywood 91606	(213) 980-0055	445-3121
Roberti, David A.	D	23	Los Angeles	6640 Sunset Blvd., Hollywood 90028	(213) 464-1178	445-8390
Rodda, Albert S.	D	3	Sacramento	4048 State Capitol, Sacramento 95814	(916) 445-5788	445-5788
Russell, Newton R.	R	21	Los Angeles	815 S. Central Ave., Glendale 91204	(213) 247-7021	445-5976
Smith, Jerry	D	12	Santa Clara	2185 The Alameda, San Jose 95126	(408) 984-7290	445-3104
Song, Alfred H.	D	26	Los Angeles	2337 S. Garfield Ave., Monterey Park 91754	(213) 724-3825	445-3386
Stiern, Walter W.	D	16	Inyo, Kern, Los Angeles, San Bernardino	930 Truxton Ave., Bakersfield 93301	(805) 323-7594	445-6637
Stull, John	R	38	Imperial, Riverside, San Diego	220 W. 2nd Ave., Escondido 92025	(714) 743-8338	445-3731
Vuich, Rose Ann	D	15	Fresno, Kern, Kings, Tulare	Raisin Square, Dinuba 93618	(209) 591-5005	445-4641
Wilson, Bob	D	39	San Diego	2165 San Diego Ave., San Diego 92110	(714) 299-3940	445-3952
Zenovich, George N.	D	14	Fresno, Madera, Mariposa, Merced, Stanislaus	1060 Fulton Mall, Fresno 93721	(209) 485-6260	445-9600
Vacancy		22	Los Angeles			445-7114

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California Journal

Major article index, 1970 - 76

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Alatorre, Richard	D	55	Los Angeles (East Los Angeles)	5916 N. Figueroa St., Los Angeles 90042	(213) 255-7111	445-7587
Antonovich, Mike	R	41	Los Angeles (Burbank, Glendale)	512 E. Wilson Ave., Glendale 90216	(213) 240-6330	445-8364
Arnett, Dixon	R	20	San Mateo (southern)	680 Warren St., Redwood City 94063	(415) 364-0260	445-8188
Bane, Tom	D	40	Los Angeles (N. Hollywood, Van Nuys, Reseda)	5430 Van Nuys Blvd., Van Nuys 91401	(213) 986-8090	445-3134
Bannai, Paul T.	R	53	Los Angeles (Hawthorne, Gardena)	1919 W. Redondo Beach Blvd., Gardena 90247	(213) 327-5920	445-0965
Bates, Tom	D	12	Alameda, Contra Costa	3923 Grand Ave., Oakland 94614	(415) 464-0786	445-7554
Berman, Howard	D	43	Los Angeles, (Beverly Hills, Westwood)	520 S. Sepulveda Blvd., Los Angeles 90049	(213) 476-7694	445-4956
Boatwright, Danie	D	10	Contra Costa (eastern)	1035 Detroit Ave., Concord 94518	(415) 689-1973	445-8528
Brown, Willie L., Jr.	D	17	San Francisco	515 Van Ness Ave., San Francisco 94102	(415) 557-0784	445-8077
Calvo, Victor	D	21	Santa Clara (northwestern)	2570 El Camino Real West, Mountain View 94040	(415) 941-4640	445-7632
Chacon, Peter R.	D	79	San Diego (City of San Diego, Coronado)	5106 Federal Blvd., San Diego 92105	(714) 263-2148	445-7610
Chappie, Eugene	R	3	Colusa, Sutter, Yuba, Sierra Nevada, Placer, half of Butte	438 Colusa Ave., Yuba City 95991	(916) 673-2201	445-7298
Chel, Fred	D	58	Los Angeles (Long Beach)	2750 Bellflower St., Long Beach 90815	(213) 420-2471	445-8492
Chimbole, Larry	D	34	Inyo, parts of Kern, Los Angeles, San Bernardino	807 West Avenue J, Lancaster 93534	(805) 948-8447	445-3266
Cline, Robert C.	R	37	Los Angeles (San Fernando Valley), part of Ventura	19240 Nordhoff St., Northridge 91324	(213) 349-3333	445-7676
Collier, John L. E	R	61	Los Angeles (San Gabriel, Arcadia)	501 S. First Ave., Arcadia 91006	(213) 446-6158	445-7234
Cordova, Ronald	D	74	Orange (coastal)	23861 El Toro Rd., El Toro 92630	(714) 830-7474	445-7222
Craven, William	R	76	San Diego (La Jolla, Del Mar)	550 W. Broadway, Vista 92083	(714) 726-7676	445-2390
Cullen, Mike	D	57	Los Angeles (Long Beach)	444 W. Ocean Blvd., Long Beach 90802	(213) 435-4404	445-7454
Dannemeyer, William E.	R	69	Orange	1235 N. Harbor Blvd., Fullerton 92632	(714) 871-1046	445-7448
Deddeh, Wadie P	D	80	San Diego (National City, Chula Vista)	815 3rd Ave., Chula Vista 92011	(714) 427-7077	445-7556
Dixon, Julian	D	49	Los Angeles (Culver City)	2907 W. Vernon Ave., Los Angeles 90008	(213) 295-4226	445-8800
Duffy, Gordon	R	32	Kings, most of Tulare, part of Kern	321 N. Douty, Hanford 93230	(209) 582-4431	445-2931
Egeland, Leona F.	D	24	San Benito, Santa Clara (rural)	3535 Ross Ave., San Jose 95124	(408) 269-6500	445-8243
Ellis, Jim	R	77	San Diego	8643 Navajo Rd., San Diego 92119	(714) 464-7204	445-6161
Fazio, Vic	D	4	Yolo, parts of Solano and Sacramento	1000 Webster St., Fairfield 94533	(707) 492-2383	445-8368
Fenton, Jack R.	D	59	Los Angeles (Alhambra, Monterey Park)	1601 W. Beverly Blvd., Montebello 90640	(213) 724-3400	445-0854
Gage, Mike	D	8	Napa, Solano, Sonoma	920 College Ave., Santa Rosa 95404	(707) 542-4433	445-8102
Goggin, Terry	D	66	San Bernardino (urban)	515 N. Arrowhead Ave., San Bernardino 92401	(714) 884-1241	445-4843
Greene, Leroy F.	D	6	Sacramento	5738 Marconi Ave., Carmichael 95608	(916) 483-2738	445-7807
Gualco, Eugene T.	D	5	Sacramento	State Capitol, Sacramento 95814	(916) 445-4445	445-4445
Hallett, Carol	R	29	Monterey, San Luis Obispo, Santa Barbara	1145 Marsh St., San Luis Obispo 93401	(805) 543-0184	445-7795
Hart, Gary	D	35	Most of Santa Barbara	1129-B State St., Santa Barbara 93101	(805) 966-1766	445-8292
Hayden, Richard D.	R	22	Santa Clara (southern)	21060 Homestead Road, Cupertino 95014	(408) 446-4114	445-8305
Hughes, Teresa P.	D	47	Los Angeles (Huntington Park)	3253 S. Hoover Ave., Los Angeles 90017	(213) 747-7451	445-7498
Imbrecht, Charles	R	36	Ventura	3920 E. Main St., Ventura 93003	(805) 644-5528	445-7402
Ingalls, Walter	D	68	Riverside (urban)	3610 Central Ave., Riverside 92506	(714) 781-3222	445-1720
Kapiloff, Lawrence	D	78	San Diego (Mission Hills, Linda Vista)	424 Pennsylvania Ave., San Diego 92103	(714) 299-5577	445-7210
Keene, Barry	D	2	Del Norte, Humboldt, Mendocino, Lake, Sonoma (northern)	533 G St., Eureka 95501	(707) 443-4816	445-8360
Keysor, Jim	D	39	Los Angeles (eastern San Fernando Valley)	309 S. Maclay St., San Fernando 91340	(213) 361-1233	445-8430

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Lanterman, Frank	R	42	Los Angeles (Pasadena, Glendale)	106-A S. Los Robles, Pasadena 91101	(213) 449-4747	445-8211
Lehman, Richard	D	31	Fresno, Tulare	1350 O St., Fresno 93721	(209) 442-1976	445-8514
Lewis, Jerry	R	67	San Bernardino, Riverside (rural)	101 S. 6th St., Redlands 92373	(714) 886-5201	445-7552
Lockyer, Bill	D	14	Alameda (central)	14895 E. 14th St., San Leandro 94578	(415) 464-0847	445-8160
Maddy, Kenneth L.	R	30	Madera, Mariposa, part of Fresno	1221 Van Ness Ave., Fresno 93721	(209) 485-5221	445-7558
Mangers, Dennis	D	73	Orange	16371 Beach Blvd., Huntington Beach 92647	(714) 848-1168	445-8377
McAlister, Alister	D	25	Santa Clara (northeastern), part of Alameda	1595 E. Santa Clara St., San Jose 95116	(408) 272-0221	445-7874
McCarthy, Leo T.	D	18	San Francisco, part of San Mateo	350 McAllister St., San Francisco 94102	(415) 557-2662	445-8994
McVittie, Bill	D	65	Los Angeles (Pomona) and San Bernardino (Ontario)	1063 W. 6th St., Ontario 91762	(714) 983-2757	445-8490
Mello, Henry J.	D	28	Monterey, Santa Cruz	215 Franklin St., Monterey 93940	(408) 373-0773	445-8496
Miller, John J.	D	13	Alameda (northwestern)	5801 Christie St., Emeryville 94608	(415) 653-2424	445-7442
Montoya, Joe	D	60	Los Angeles (El Monte, La Puente)	142 N. First St., La Puente 91744	(213) 968-1544	445-7783
Mori, S. Floyd	D	15	Alameda (southern, eastern)	22300 Foothill Blvd., Hayward 94571	(415) 538-5533	445-7380
Nestande, Bruce	R	70	Orange (City of Orange, Tustin)	648 N. Tustin Ave., Orange 92667	(714) 633-7460	445-2778
Papan, Louis J.	D	19	San Mateo (northern)	343-E Serramonte Plaza, Daly City 94015	(415) 756-6400	445-8020
Perino, Carmen	D	26	Parts of San Joaquin and Stanislaus	31 E. Channel St., Stockton 95202	(209) 948-7479	445-7931
Prioto, Paul	R	38	Los Angeles (Malibu Coast), part of Ventura	4883 Topanga Canyon Blvd., Woodland Hills 91364	(805) 497-4334	445-8366
Robinson, Richard	D	72	Orange (Santa Ana, Garden Grove)	822 N. Broadway, Santa Ana 92701	(714) 835-4727	445-7333
Rosenthal, Herschel	D	45	Los Angeles (Fairfax, Studio City)	8455 Beverly Blvd., Los Angeles 90048	(213) 655-9750	445-7440
Ryan, Marilyn	R	51	Los Angeles (coastal)	1815 Via Del Prado, Redondo Beach 90277	(213) 540-8182	445-2112
Sieroty, Alan	D	44	Los Angeles (Beverly Hills)	11340 W. Olympic Blvd., Los Angeles 90064	(213) 479-4244	445-7928
Statham, Stan	R	1	Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, Trinity	774 East Ave., Chico 95926	(916) 895-1500	445-7266
Stirling, Dave	R	64	Los Angeles	13601 East Whittier Blvd., Whittier 90605	(213) 945-1524	445-7550
Suitt, Tom	D	75	Imperial, desert parts of Riverside, San Diego	115 S. Indian Ave., Palm Springs 92262	(714) 325-1139	445-7852
Thomas, Vincent	D	52	Los Angeles (San Pedro)	255 W. 5th St., San Pedro 90731	(213) 833-2881	445-7906
Thomas, William M.	R	33	Most of Kern	2025 18th St., Bakersfield 93301	(805) 323-3146	445-8498
Thurman, John E.	D	27	Most of Stanislaus and Merced	2833 G St., Merced 95340	(209) 521-1111	445-8570
Torres, Art	D	56	Los Angeles (downtown, City of Commerce)	5261 E. Beverly Blvd., Los Angeles 90022	(213) 728-8882	445-1670
Tucker, Curtis R.	D	50	Los Angeles (Inglewood, Westchester)	1 Manchester Blvd., Inglewood 90301	(213) 677-1188	445-7533
Vasconcellos, John	D	23	Santa Clara (urban)	2435 Forest Ave., San Jose 95128	(408) 241-6900	445-4253
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Waters, Maxine	D	48	Los Angeles	(not established at press time)	(213)	445-2363
Waters, Norman	D	7	Alpine, Amador, Calaveras, El Dorado, Mono, Sacramento, San Joaquin, Tuolumne	218 W. Pine St., Lodi 95240	(209) 948-7686	445-8343
Wornum, Michael	D	9	Marin, part of Sonoma	21 Tamal Vista, Corte Madera 94925	(415) 924-8850	445-7827
Wray, Chester B.	D	71	Orange	12062 Valley View, Garden Grove 92645	(714) 898-7844	445-6233
Young, Bruce E.	D	63	Los Angeles	12440 E. Firestone Blvd., Norwalk 90650	(213) 868-0561	445-6047

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Majority Floor Leader Howard Berman (D)
Minority Floor Leader Paul Priolo (R)
Democratic Caucus Chairman Julian Dixon
Republican Caucus Chairman Eugene Chappie

Senate

President of the Senate Lt. Governor Mervyn Dymally (D)
Presient pro Tempore James Mills (D)
Majority Floor Leader David Roberti (D)
Minority Floor Leader George Deukmejian (R)
Democratic Caucus Chairman Omer Rains
Republican Caucus Chairman Dennis Carpenter

James Mills

Senate standing committees

Rules (3D, 2R):
Chairman Mills (D); Vice Chairman Stull (R); Campbell (R); Petris (D); Smith (D).
Executive officer, John Williamson, 445-4311.

Agriculture and Water Resources (6D, 3R):
Chairman Ayala (D); Vice Chairman Nimmo (R); Garamendi (D); Garcia (D); Johnson (R); Presley (D); Stiern (D); Stull (R); Vuich (D).
Consultant, Steve Macola, 445-2206.

Business and Professions (6D, 3R):
Chairman Rains (D); Vice Chairman Roberti (D); Briggs (R); Deukmejian (R); Greene (D); Marks (R); Presley (D); Song (D); Wilson (D).
Consultant, Jim Cathcart, 445-3435.

Education (7D, 4R):
Chairman Dunlap (D); Vice Chairman Campbell (R); Alquist (D); Behr (R); Cusanovich (R); Dills (D); Gregorio (D); Rodda (D); Smith (D); Stiern (D); Stull (R).
Consultant, Jan Denton, 445-2522.

Elections and Reapportionment (4D, 3R):
Chairman Garcia (D); Vice Chairman Paul Carpenter (D); Briggs (R); Holden (D); Nimmo (R); Rains (D); Richardson (R).
Consultant, Jim Browning, 445-2601.

Finance (8D, 5R):
Chairman Rodda (D); Vice Chairman Cusanovich (R); Alquist (D); Behr (R); Dennis Carpenter (R); Greene (D); Gregorio (D); Holmdahl (D); Nejedly (R); Petris (D); Smith (D); Stiern (D); Stull (R).
Consultant, Gerald Hayward, 445-5788.

Governmental Organization (7D 4R):
Chairman Dills (D) Vice Chairman Greene (D); Beverly (R); Campbell (R); Paul Carpenter (D); Deukmejian (R); Dunlap (D); Foran (D); Gregorio (D); Marks (R); Zenovich (D).
Consultant, William Miller, 445-1193.

Health and Welfare (6D, 3R):
Chairman Gregorio (D); Vice Chairman Garamendi (D); Campbell (R); Paul Carpenter (D); Garcia (D); Holden (D); Marks (R); Nejedly (R); Presley (D).
Consultant, Roger King, 445-5965.

Industrial Relations (4D, 3R):
Chairman Zenovich (D); Vice Chairman Johnson (R); Dennis Carpenter (R); Greene (D); Mills (D); Robbins (D); Russell (R).
Consultant, Casey Young, 445-1237.

Insurance and Financial Institutions (5D, 4R):
Chairman Behr (R); Vice Chairman Briggs (R); Beverly (R); Dennis Carpenter (R); Foran (D); Robbins (D); Vuich (D); Wilson (D); Zenovich (D).
Consultant, Terry Miller, 445-6306.

Judiciary (5D, 3R):
Chairman Song (D); Vice Chairman Deukmejian (R); Beverly (R); Dennis Carpenter (R); Robbins (D); Roberti (D); Wilson (D); Zenovich (D).
Consultant, Richard Thomson, 445-5957.

Local Government (3D, 3R):
Chairman Marks (R); Vice Chairman Robbins (D); Ayala (D); Beverly (R); Holden (D); Nimmo (R).
Consultant, Fred Silva, 445-9748.

Natural Resources and Wildlife (6D, 3R):
Chairman Nejedly (R); Vice Chairman Smith (D); Ayala (D); Behr (R); Dills (D); Foran (D); Garamendi (D); Nejedly (R); Rains (D); Russell (R).
Consultant, Robert Testa, 445-5441.

Public Employment and Retirement (3D, 2R):
Chairman Russell (R); Vice Chairman Wilson (D); Paul Carpenter (D); Johnson (R); Mills (D).
Consultant, Robert Bissonnette, 445-8958.

Public Utilities, Transit and Energy (6D, 3R):
Chairman Alquist (D); Vice Chairman Holden (D); Cusanovich (R); Dills (D); Foran (D); Garamendi (D); Nejedly (R); Rains (D); Russell (R).
Consultant, Timothy Davis, 445-9765.

Revenue and Taxation (6D, 3R):
Chairman Holmdahl (D); Vice Chairman Petris (D); Deukmejian (R); Ayala (D); Dunlap (D); Nimmo (R); Richardson (R); Roberti (D); Song (D).
Consultant, Vance Hanson, 445-3808.

Transportation (7D, 2R):
Chairman Presley (D); Vice Chairman Foran (D); Alquist (D); Briggs (R); Garcia (D); Holmdahl (D); Johnson (R); Rains (D); Vuich (D). Phone, 445-3182.

Senate committee schedule

	Room	
Monday		
Finance	4203	1:30 p.m.
Local government	5007	1:30 p.m.
Public employment and retirement	2040	1:30 p.m.*
Tuesday		
Judiciary	4203	9:30 a.m.
Rules	5007	9:30 a.m.
Public utilities, transit and energy	2040	9:30 a.m.**
Natural resources and wildlife	3191	9:30 a.m.**
Transportation	2040	9:30 a.m.**
Governmental organization	5007	1:30 p.m.
Agriculture and water resources	3191	1:30 p.m.*
Wednesday		
Education	4203	9:30 a.m.
Business and professions	3191	9:30 a.m.**
Elections and reapportionment	2040	9:30 a.m.*
Health and welfare	3191	1:30 p.m.
Revenue and taxation	5007	1:30 p.m.
Industrial relations	2040	1:30 p.m.*
Insurance and financial institutions	2040	1:30 p.m.**

Committees meet every week unless indicated otherwise.
*Meets 1st and 3rd weeks of month.
**Meets 2nd and 4th weeks of month.

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Assembly standing committees

Agriculture (7D, 4R)
Chairman Thurman (D); Vice Chairman Lehman (D); Chappie (R); Duffy (R); Egeland (D); Hallett(R); McVittie (D); Suitt (D); William Thomas (R); Norman Waters (D).
Consultant, George Soares, 445-1918.

Criminal Justice (6D, 3R):
Chairman Maddy (R); Vice Chairman Goggin (D); Alatorre (D), Bannai (R); Dixon (D); Knox (D); Nestande (R); Sieroty (D), Warren (D).
Consultant, Michael Ullman, 455-3268.

Education (11D, 4R):
Chairman Greene (D); Vice Chairman Arnett (R); Antonovich (R); Collier (R); Dannemeyer (R); Egeland (D); Hart (D); Hughes (D); Keysor (D); Mangers (D); Montoya (D); Mori (D); Suitt (D); Vasconcellos (D); Young (D).
Consultant, James Murdoch, 445-7807.

Elections and Reapportionment (6D, 3R):
Chairman Keysor (D); Vice Chairman Gage (D); Cordova (D); Dannemeyer (R); Fazio (D); Lehman (D); Priolo (R); William Thomas (R); Maxine Waters (D).
Consultants, Bruce Bolinger, Roger Bollinger, 445-8430.

Finance, Insurance and Commerce (11D, 4R):
Chairman McAlister (D); Vice Chairman Young (D); Agnos (D); Bane (D); Bannai (R); Berman (D); Greene (D); Gualco (D); Hayden (R); Ingalls (D); Lancaster (R); Miller (D); Nestande (R); Papan (D); Robinson (D).
Consultants, Carl Brakensiek, Steve Spellman, Richard Mason, 445-9160.

Governmental Organization (6D, 3R):
Chairman Vicencia (D); Vice Chairman Alatorre (D); Chimbole (D); Cline (R); Cullen (D); Greene (D); Lehman (D); Maddy (R); Statham (R).
Consultant, Parke Terry, 445-7486.

Health (9D, 2R):
Chairman Keene (D); Vice Chairman Mangers (D); Agnos (D); Bates (D); Duffy (R); Egeland (D); Hart (D); Lanterman (R); Rosenthal (D); Torres (D); Tucker (D).
Consultant, Ken Wagstaff, 445-1770.

Housing and Community Development (5D, 2R):
Chairman Chacon (D); Vice Chairman Hughes (D); Brown (D); Imbrecht (R); Mangers (D); Statham (R); Wray (D).
Consultant, Renée Franken, 445-7610.

Human Resources (5D, 2R):
Chairman Nestande (R); Vice Chairwoman Maxine Waters (D); Arnett (R); Chacon (D); Lockyer (D); Vincent Thomas (D); Rosenthal (D).
Consultant, John McCay, 445-0664.

Intergovernmental Relations (7D, 4R):
Chairman Vincent Thomas (D); Vice Chairman Collier (R); Antonovich (R); Boatwright (D); Brown (D); Chappie (R); Cline (R); Cullen (D); McCarthy (D); Robinson (D); Thurman (D).
Consultant, Eve Ostoja, 445-7906.

Judiciary (8D, 3R):
Chairman Miller (D); Vice Chairman Cordova (D); Chel (D); Fenton (D); Imbrecht (R); Ingalls (D); Maddy (R); McAlister (D); McVittie (D); Stirling (R); Torres (D).
Consultant, Tom Carroll, 445-4560.

Labor Relations (10D, 3R):
Chairman Lockyer (D); Vice Chairman Mori (D); Agnos (D); Alatorre (D); Berman (D); Dannemeyer (R); Ellis (R); Fenton (D); Gage (D); McAlister (D); Stirling (R); Vincent Thomas (D); Young (D).
Consultant, Britton McFetridge, 445-2657.

Local Government (8D, 5R):
Chairman Craven (R); Vice Chairman Norman Waters (D); Chimbole (D); Cullen (D); Ellis (R); Lancaster (R); Mello (D); Perino (D); Priolo (R); Ryan (R); Thurman (D); Tucker (D); Maxine Waters (D).
Consultant, Tom Willoughby, 445-6034.

Public Employees and Retirement (6D, 3R):
Chairman Deddeh (D); Vice Chairman Tucker (D); Bannai (R); Chacon (D); Craven (R); Fenton (D); Hallett (R); Perino (D); Norman Waters (D).
Consultants, Dave Cox, Gil Oster, 445-7556.

Resources, Land Use and Energy (11D, 4R):
Chairman Warren (D); Vice Chairman Bates (D); Calvo (D); Ellis (R); Goggin (D); Gualco (D); Hayden (R); Kapiloff (D); Keene (D); Mello (D); Priolo (R); Ryan (R); Sieroty (D); Wornum (D); Wray (D).
Consultant, O. James Pardau, 445-9367.

Revenue and Taxation (11D, 4R):
Chairman Brown (D); Vice Chairman Mello (D); Chel (D); Cordova (D); Deddeh (D); Fazio (D); Gage (D); Imbrecht (R); Kapiloff (D); Lewis (R); Lockyer (D); Mori (D); Ryan (R); Stirling (R); Vicencia (D).
Consultant, David Doerr, 322-3730.

Rules (4D, 3R):
Chairman Papan (D); Vice Chairman Lewis (R); Chimbole (D); Lancaster (R); Montoya (D); Rosenthal (D); William Thomas (R).
Chief administrative officer, Fred Taugher, 455-2995.

Transportation (11D, 4R):
Chairman Ingalls (D); Vice Chairman Wray (D); Antonovich (R); Bane (D); Bates (D); Calvo (D); Chel (D); Collier (R); Deddeh (D); Hallett (R); Lanterman (R); Montoya (D); Papan (D); Vicencia (D); Wornum (D).
Consultant, D. J. Smith, 445-7278.

Water (5D, 2R):
Chairman Gualco (D); Vice Chairman Kapiloff (D); Boatwright (D); Cline (R); Perino (D); Statham (D); Warren (D).
Consultant, Clyde MacDonald, 445-6164.

Ways and Means (15D, 6R):
Chairman Boatwright (D); Vice Chairman Lanterman (R); Arnett (R); Calvo (D); Chappie (R); Dixon (D); Duffy (R); Fazio (D); Goggin (D); Hart (D); Hayden (R); Hughes (D); Knox (D); Lewis (R); McVittie (D); Robinson (D); Sieroty (D); Suitt (D); Torres (D); Vasconcellos (D); Wornum (D).
Consultant, Krist Lane, 445-7082.

Assembly committee schedule

Monday	Room	
Criminal justice	2117	1:30 p.m.
Health	2133	1:30 p.m.
Revenue and taxation	4202	1:30 p.m.
Rules	A107	4:30 p.m.
Tuesday		
Governmental organization	6031	9:30 a.m.**
Public employees and retirement	2117	9:30 a.m.*
Ways and means	4202	9:00 a.m.
Human resources	2133	1:30 p.m.**
Local government	2133	1:30 p.m.*
Transportation	2170	1:30 p.m.
Water	2117	1:30 p.m.**
Wednesday		
Labor, employment and consumer affairs	2170	9:00 a.m.
Ways and means	4202	9:00 a.m.
Finance, insurance and commerce	4202	1:30 p.m.
Agriculture	2170	3:30 p.m.*
Elections and reapportionment	6028	3:30 p.m.**
Housing and community development	2133	3:30 p.m.**
Thursday		
Education	4202	9:00 a.m.
Judiciary	6031	9:00 a.m.
Resources, land use and energy	2170	9:00 a.m.

Intergovernmental relations meets on call.
Committees meet every week except as indicated.
*Meets 1st and 3rd weeks of month.
**Meets 2nd and 4th weeks of month.

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Keeping track of legislation

Keeping track of the thousands of bills that are introduced in the Senate and Assembly every year is a difficult job, even for well-staffed professional lobbies. To do so, they rely heavily on six official legislative guides that are published daily during the session: the Assembly and Senate *Daily Files, Journals,* and *Histories.* Single copies of these publications are available free (as are single copies of bills) from the Legislative Bill Room. Also available there, at nominal cost, is a useful and concise reference, *California's Legislature,* by James D. Driscoll, Chief Clerk of the Assembly, from which the following descriptions of the legislative publications are drawn:

Daily Files. The *Daily File* for each house is an agenda of the day's business. It lists all measures to be taken up on the floor in the order in which they are to be dealt with, and it also lists all committee hearings and the bills scheduled for hearing before each committee. Under the provisions of the Assembly rules, notice of all bills set for hearing by any committee or subcommittee must be published in the *Daily File* for three consecutive days prior to the hearing, unless there is a special waiver. The Senate rules now also require the calendar for regular committee meetings to be printed in the *Daily File* and at least two days in advance of the meeting. In addition, the *Daily File* provides an up-to-date list of the membership of all standing committees of each house.

The Daily Journals. The *Daily Journal* of each house contains a "true and correct" account of that chamber's proceedings of the preceding day. This includes the titles of all measures introduced, considered or acted upon by each house, the texts of amendments to these measures and of house resolutions, roll calls, messages from the governor and the other house, committee reports, motions, and acknowledgment of any communications. Senate committee votes are recorded and published in the Senate *Journal,* but the Assembly reports its committee votes in a separate appendix to the Assembly *Journal.*

The History. Each chamber's *History* shows the action taken on all measures on the file for action that day (except for measures passed on file) and all committee actions on bills. A *Weekly History,* published at the end of the week, summarizes the daily accounts and contains the titles of all measures introduced up to the end of that week, and the committees to which they were assigned, along with any action taken on them and the date which it was taken. The *Weekly History* also carries the names of each house's membership, committee assignments and the schedule of meetings.

Legislative Index. At intervals during the session, a *Legislative Index* is published, listing by subject all bills introduced in the Legislature. It also contains a table showing which sections of the Constitution and statutes are affected by the measures introduced.

Other publications

Once the Legislature adjourns, the *Daily Journals* are corrected, reprinted, and deposited with the secretary of state as a permanent record of each day's proceedings. Each house also publishes a *Final History,* summarizing all legislation introduced and acted upon during the session. This history is indexed and shows which sections of law are affected by the legislation enacted, and whether the changes involved deletions, additions, removals, or renumbering.

Other key legislative bodies

Joint Legislative Audit Committee
Assemblyman Mike Cullen (D), chairman. Auditor General, John H. Williams, 925 L St., Suite 750, Sacramento 95814; (916) 445-0255.

Legislative Analyst
A. Alan Post, 925 L St., Suite 650, Sacramento 95814; (916) 445-4656.

Legislative Counsel
Bion Gregory, 3021 State Capitol; (916) 445-2781 217 W. 1st St., Los Angeles 90012. (213) 620-3550.

USEFUL CAPITOL NUMBERS
(Area Code 916)

Information	445-4711
Secretary of Senate	445-4251
Chief Clerk of Assembly	445-3614
Bill Room	445-2323
Senate Research	445-1727
Assembly Research	445-9098
Archives	445-4293
Auditor General	445-0255
Legislative Analyst	445-4656
Legislative Counsel	445-2781
State Police	445-2895

Types of legislation

* Bills propose changes in or additions to state law. Depending on the house of origin, they are referred to as Assembly Bills or Senate Bills, followed by a number (for example, AB 13, SB 15).

* Constitutional Amendments, also called "bills", actually are resolutions proposing constitutional changes to the electorate. They require a two-thirds majority in each house to qualify for the ballot. They are referred to as SCAs or ACAs.

* Concurrent Resolutions are used to adopt joint rules, create joint legislative committees, express legislative "wishes", and commend individuals for public service. They are referred to as ACRs or SCRs.

* Joint Resolutions express legislative opinion on matters pertaining to the federal government, and usually urge passage or defeat of legislation pending before Congress. They are referred to as SJRs or AJRs.

* House and Senate Resolutions express the sentiment of one house of the Legislature. They usually ask a committee to study a specific problem, create interim committees, or amend house rules. Their texts are published in the house *Journal,* and they take effect on their adoption.

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Legislative Process

IDEA

Sources of bills: legislators, legislative committees, governor, state and local governmental agencies, business firms, lobbyists, citizens.

DRAFTING

Formal copy of bill and "layman's digest" prepared by Legislative Counsel.

INTRODUCTION

Bill submitted by senator or assemblyman. Numbered and read for first time. Assigned to committee by Assembly speaker or Senate Rules Committee. Printed.

COMMITTEE

Testimony taken from author, proponents and opponents. Typical actions: Do pass; amend and do pass; no action; hold in committee (kill); amend and rerefer to same committee; refer to another committee; send to interim study.

Appropriation bills, if approved by policy committee, are referred to Finance Committee in the Senate and Ways and Means Committee in the Assembly.

SECOND READING

Bills given do-pass recommendations are read a second time and placed on file for debate.

FLOOR DEBATE AND VOTE

Bills are read a third time and debated. A roll-call vote follows. For ordinary bills, 21 votes are needed in the Senate and 41 in the Assembly to pass a measure. For urgency bills and appropriation measures, 27 and 54 votes are required. If these numbers are not reached, the bill is defeated. Any member may seek reconsideration and a second vote. If passed or passed with amendments, the bill is sent to the second house.

SECOND HOUSE

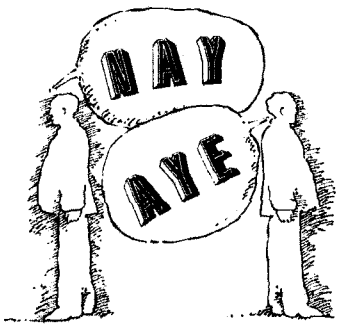
Bill is read for the first time and referred to committee by the Assembly speaker or Senate Rules Committee.

COMMITTEE

Procedures and possible actions are identical to those in the first house.

SECOND READING

If cleared by committee, the bill is read a second time and placed on the daily file (agenda) for debate and vote.



FLOOR DEBATE AND VOTE

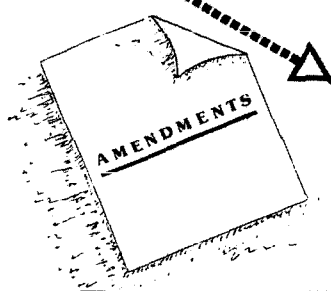
The procedure is identical to the first house. If a bill is passed without having been amended in the second house, it is sent to the governor's desk. (Resolutions are sent to the secretary of state's office.) If amended in the second house and passed, the measure returns to the house of origin for consideration of amendments.

CONCURRENCE

The house of origin decides whether to accept the second-house amendments. If the amendments are approved, the bill is sent to the governor. If the amendments are rejected, the bill is placed in the hands of a two-house conference committee composed of three senators and three Assembly members.

CONFERENCE

If the conferees fail to present a report, the bill dies. If the conferees present a recommendation for compromise, both houses vote on the report. If the report is adopted by both, the bill goes to the governor. If either house rejects the report, a second (and even a third) conference committee can be formed.



GOVERNOR

Within 12 days after receiving a bill, the governor can sign it into law, allow it to become law without his signature, or veto it. A vetoed bill returns to the house of origin for possible vote on overriding the veto. It requires a two-thirds majority of both houses to override.

Urgency measures become effective immediately after signing. Others usually take effect the following January 1st.

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'DEPARTMENT OF DISEASE'

Health's embattled Lackner – anything but an administrator

By Bill Skaff

Criticism of California's Department of Health has been simmering since the day in 1973 that the department was created. This fall, the pot finally boiled over, spilling charges of widespread administrative incompetence and outright abuse into the lap of Dr. Jerome Lackner, Governor Brown's appointee as department director since 1975.

In early October 1976, an embattled Lackner turned day-to-day control of the department over to former state prison chief Raymond Procunier. Lackner's sudden announcement followed the initiation of an Assembly investigation into corruption in California's pre-paid health programs and a threat by HEW Secretary David Mathews to cut off $25 million in federal funds to the troubled project. Aside from specific charges of Medi-Cal overcharges and mistreatment of patients in state mental hospitals, much recent attention has focused on Lackner's outspoken personal philosophy and his competence as a department head.

Lackner's public statements favoring the decriminalization of heroin and opposing abortion have made him a highly visible target for those who criticize the way he runs his department. Now that he has been freed from immediate administrative duties, many of those same critics are disturbed by the prospect of Lackner giving his undivided attention to sensitive health issues.

Lackner has never made a secret of his lack of administrative experience. "Administrative ability," says Lackner, "is 85 percent good judgment, 10 percent divine providence, and five percent administrative technique." Lackner adds that his technique has been to borrow administrators from other agencies to actually run the department while he "concentrates on being a good physician." This technique, whether Lackner's own or forced upon him by others, has transformed the department into a revolving door for administrators who remain for a time and then leave, often confused and frustrated.

Enter Procunier

Procunier is by no means Lackner's first deputy director for administration. But he is the most powerful in a series of specialists brought in to turn the department around. Procunier is so forceful that Lackner may now be just a figurehead director. Jerold Prod, Lackner's last administrative aide, left the department last summer to return to the Attorney General's office. Prod was one of four chief deputies appointed in late 1975 following the departure of Stuart Snyder and Richard Soderberg, Lackner's original administrative deputies.

The author is a graduate student in journalism at the University of California in Berkeley and a free-lance science writer.

In the less than eight months he worked for Lackner, Prod found that his responsibilities and those of the other three chief deputies often overlapped. Lackner, in addition to his own duties, spent much of his time coordinating their work and sidetracking conflicts. Prod left the department frustrated by the lack of central authority and good office management.

In many ways, Lackner is the typical Brown appointee. An unknown in government circles before his appointment, Lackner became director after the office lay vacant for five months. Since his appointment, Lackner has become a member of the Governor's brain trust, an extended family of "progressive thinkers" and professional mavericks with whom Brown likes to trade ideas and debate legislation.

Lackner came to his job by an unusual route. The former San Jose general practitioner made his reputation as a doctor at the United Farm Workers' medical clinic in Delano. Before that, he had been a medical volunteer during the 1964 civil rights marches in Selma, Alabama. Until his appointment as director, Lackner was UFW president Cesar Chavez's private physician.

Lackner brought credentials to his job far different from those of any previous director. A doctor, he graduated from law school and also completed bachelor's and master's degrees in sociology at UC Berkeley. Lackner can readily be

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identified by a massive gray handlebar mustache, a black and red UFW pin attached to his vest and an abundance of jewelry. At 49, Lackner is an engaging personality and precise thinker who is always ready for debate and eager for the position of devil's advocate. One minute he is a concerned physician, the next an anti-doctor patient advocate and then a rambling philosopher.

In Lackner's office, the gray, state-issued desk has been pushed into a corner in favor of a warm, richly colored Mexican rug that covers most of the linoleum floor. At the center of the room stands a low table surrounded by straight-backed wooden chairs, inexpensive but attractively carved and inlaid with Mexican designs. A Chinese acupuncture chart hangs on one wall, on another a UFW banner and a certificate of commendation from Alcoholics Anonymous. The office door is cluttered with messages on small slips of paper. When Lackner leaves, he takes some of them with him — pinned to his vest with a binder clip.

Lackner came to the department hoping to "jog people's minds" with new and overlooked ideas about preventive medicine and alternatives to present health care services. His goal, he said, was to make the department "less a department of disease and more a department of health." His efforts have met with a mix of success and failure. He was the champion of a voluntary program to screen potential parents for genetic defects that could be inherited by their children. He convinced the Department of Agriculture to restrict farmworker access to fields that have been sprayed with pesticides. But some of his initiatives have also bordered on the eccentric, like his short-lived drive last year to break the Governor's staff of addiction to junk-food snacks.

Lackner is proudest of his achievements in the health-protection and family-planning fields. Last year he hired the department's first patient advocate, a woman attorney from the Sacramento public defender's office. In family planning, an area in which he claims to have accomplished more than the past four health directors put together, Lackner sponsored regulations to inform women about and gather data on the safety of intrauterine birth-control devices.

Some legislators are concerned with the director's preoccupation with sensitive health issues like abortion and family planning, issues on which Lackner holds strong personal views. Lackner's tunnel vision, say some legislators, has meant a lack of guidance and direction in the department, making it difficult to get legislative commitments or even advice. "When there is a clear consensus at the director's level," says Senate Health and Welfare Committee Chairman Arlen Gregorio, "there is no trouble getting department positions. It is clear that the director has interests in particular areas. The lack of a broader attack concerns us all."

Roger King, that Senate committee's consultant, attributes at least some of the department's lack of direction to the Governor's own failure to delegate any authority to it. The lines of authority are so long, he says, that it's not surprising that decisions on many pieces of legislation never get through. Lackner first reads each bill and then sends it on to Agency Secretary Mario Obledo, who reroutes it to the governor's office for Administration approval. Even after this long process, Administration positions on many bills still never emerge. "Something is wrong," says King, "when the director of health has to come before a legislative committee to tell it that the department has no position." Nevertheless, King, who came to his Senate job from the department's substance-abuse program, insists that things have gotten better under Brown. At least now, he says, legislators are free to call on the department's staff for help in drafting bills, something that was seldom done during the Reagan Administration.

Wishy-washy positions

But this improvement has produced some curious results. During last year's session, then-Senator Anthony Beilenson asked for and received the department's assistance in writing an emergency-medical-services bill. But when the bill came before committee, the Health Department witness spoke for the opposition. Similarly, during the debate on Assemblyman Barry Keene's landmark right-to-die bill, the department never took an official position. Only one week before the bill was signed into law, Lackner decided that he was opposed to certain technical provisions and urged the Governor to veto the measure.

Another member of the Senate Health Committee, Milton Marks of San Francisco, is quick to come to Lackner's defense, crediting him with a "greater degree of independence from the Governor than many past health directors." Marks considers Lackner "just a phone call away" and values his personal offer to health committee members to discuss and take stands on issues in private, even when the Administration has not taken a position.

For others, like members of Planned Parenthood and welfare rights groups, it is Lackner's persistent attention to

Organization or chaos

A 1973 Reagan Administration plan welded all or parts of the departments of public health, mental hygiene, health-care services, social welfare and rehabilitation into a single health superagency — on paper at least. But the joints set by reorganization never held. The result, according to a Little Hoover Commission report, has been a "serious deterioration in the planning, operation and evaluation of health programs."

Despite that analysis, the department's responsibilities continue to grow, through both legislative mandate and departmental initiative. This year the Department of Health will consume almost one-third of the state budget, passing on 40 percent of its multi-billion dollar allotment in direct benefits through programs like Medi-Cal.

California's health giant dwarfs traditional public health departments with the number and diversity of its programs. Among other projects, the department's 24,000 employees run a state hospital system, supervise county drug and alcohol abuse programs, develop methods for treating the mentally ill and monitor the use of pesticides and dangerous chemicals in California's fields and factories.

The complex, overlapping organization set up to administer these programs has been the source of many of the Health Department's problems. Because it both operates and regulates many of its programs, the department is sometimes caught in built-in conflicts of interest. The department's hospital licensing division, for example, is expected to certify and regulate a state-owned hospital system run by a neighboring division. In this instance, accreditation by one unit can mean the difference between federal funds or no federal funds for another division.

The manner in which power has been divided between the Health Department and its parent Health and Welfare Agency is an even bigger bureaucratic puzzle. In certain areas, such as alcoholism treatment, responsibility for deciding policy has been taken away from the department and consigned to an autonomous agency-level office.

The Little Hoover Commission blamed just such a division of responsibilties for the department's floundering efforts to regain control over exploding Medi-Cal billings prior to the current crisis. Since 1973, the investigation, auditing and recovery of payments made by Health's Medi-Cal division have been performed, not under the Director of Health's jurisdiction but by the Department of Benefit Payments.

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Sterilization controversy

The Health Department's proposed sterilization regulations are more than just a set of safeguards devised to protect the medical rights of women. Health Director Lackner and his physician critics agree that, once adopted, these controls could set off a whole round of regulations governing what doctors can and cannot do in their offices and operating rooms.

In spite of all the debate over alleged sterilization abuses, the real issue is not sterilization itself but "informed consent" the legal doctrine on which the regulations depend. Patients are already familiar with one rudimentary form of informed consent: the consent form they sign prior to an operation. Physicians' groups charge that regulations like those proposed for sterilization threaten new and unwarranted state interference in the doctor-patient relationship.

Informed consent surfaced in California in 1972, when the state Supreme Court ruled in *Cobbs* v. *Grant* that "reasonable disclosure of the available choices with respect to proposed therapy and of the dangers inherently and potentially involved in each" was an "integral part of the physician's overall obligation" to the patient.

In 1974, the Board of Medical Examiners asked its staff to draft informed-consent standards for all medical procedures. Those regulations would have required that a doctor give the patient an active role in choosing treatment. The doctor would have been required to describe the risks and benefits of each procedure, the risks of no treatment at all and the chances for a successful recovery. The proposal was quietly abandoned following letters of objection from the California Medical Association (CMA) and the California Hospital Association.

A CMA committee formed to study the impact of informed consent on medical practice disbanded last year. The doctors went home convinced that regulated informed consent — in writing, signed and with copies to Sacramento — is impossible.

"Nobody wants to withhold information from a patient," says Dr. John Miller, a CMA spokesman, "but some patients still defer totally to your judgment. Those patients do not want to be made aware of the risks. Many doctors would still rather take this on their own necks."

family-planning matters that is of paramount concern. In 1967, the year Governor Reagan signed California's Therapeutic Abortion Act, Lackner received an award from the Roman Catholic archdiocese of San Francisco for his outspoken opposition to abortion on moral grounds. Early last year, the department, citing a 1973 Supreme Court decision that gave states the right to outlaw certain late-term abortions, imposed restrictions on abortions for Medi-Cal patients after the first 20 weeks of pregnancy. After that, Medi-Cal abortions could only be obtained to save the mother's life

This Medi-Cal policy change incensed family-planning groups and legislators who had sponsored the 1967 abortion act. The critics charged that, without hearing or debate, Lackner had succeeded in prohibiting abortions for a large number of women, regardless of their individual needs. In the process, they said, he had also established one standard of medical rights for the poor and another for those who could afford to pay for abortions.

Lackner says that he was not aware of the Medi-Cal policy change until it had already been formulated. But once the announcement was made, Lackner did draft a long, statistic-laden letter defending the new policy. The longer the pregnancy, he said, the greater the risks of complications for the mother and the greater the chances that the aborted fetus might survive. In a letter to Lackner, Beilenson strongly denounced the director's tactics. "You," he wrote to Lackner, "have as much right to be opposed to abortion as I have to believe that it should be a medical option open to all patients. However, I don't believe you have the right to use your public office and trust to force your personal views on the Medi-Cal recipients of California." In November, following a federal court decision that prohibited states from setting strict time limits on abortions and gave considerable discretion to physicians, Lackner instructed the Medi-Cal division to drop the restriction.

Lackner's most ambitious project is a set of regulations drawn up to control voluntary sterilization operations in all but emergency cases. These proposed regulations, almost two years in the drafting, come in response to continuing charges that physicians pressure women, especially minorities and the poor, into hasty decisions to be sterilized.

Stories of such alleged abuses are told against a background of convincing statistics. A 1970 national study, for example, found that 43 percent of the women sterilized by federal programs were Black. Another report released in November showed similar high rates of sterilization among American Indians. Medical-rights groups charge that doctors either neglect to explain the operation and its permanence properly, or perform it without asking the woman's permission in an effort to help cut down the welfare rolls.

The rules would set a 72-hour waiting period between consent and the sterilization operation, a provision that has drawn heavy fire from the National Organization of Women. NOW, in opposing rules sponsored by other women's groups, objects to the added costs and dangers of multiple surgeries if a woman, during labor or any other operation, should decide that she also wants to be sterilized.

Control unlikely

Lackner's sharp emphasis on issues instead of programs make him different from any previous director. But that emphasis also makes it unlikely that he will be the director to establish control over the Department of Health. One legislator likes to refer to Lackner and Agency Secretary Obledo as the "liberal facade" behind which a basically conservative Jerry Brown lurks.

In 1975 and again last summer, Obledo refused to institute a system to double-check on Medi-Cal billings, costing the state an estimated $4.3 million in federal funds for the project. This computerized system, called Beneficiary Explanation of Medi-Cal Benefits (BEOMB), would have sent Medi-Cal recipients a monthly record of charges billed to the state by their physician, pharmacist or hospital. Despite the prospect that BEOMB might have helped track down Medi-Cal overcharges, Obledo rejected the system, saying that he thought it would invade the privacy of recipients who had received services — such as birth control pills, abortion, or treatment for venereal disease — on a confidential basis.

Paul O'Rourke, a consultant to the Senate Office of Research who was once interviewed for the job Lackner now holds, traces the problems of health administration in California beyond Lackner and Obledo to Brown himself. Under Brown, he says, no health director will ever be permitted to direct. "Brown's attitude towards bureaucracy is negative," he says. "He believes that bureaucracies were built to interfere with people's lives, but doesn't see that they are also the final arena on which many poor people rely. The trouble with Lackner and Obledo is that they have never forgotten that they are poverty lawyers, and that they're really opposed to the agencies they're running. They don't understand that maladministration also hurts people."

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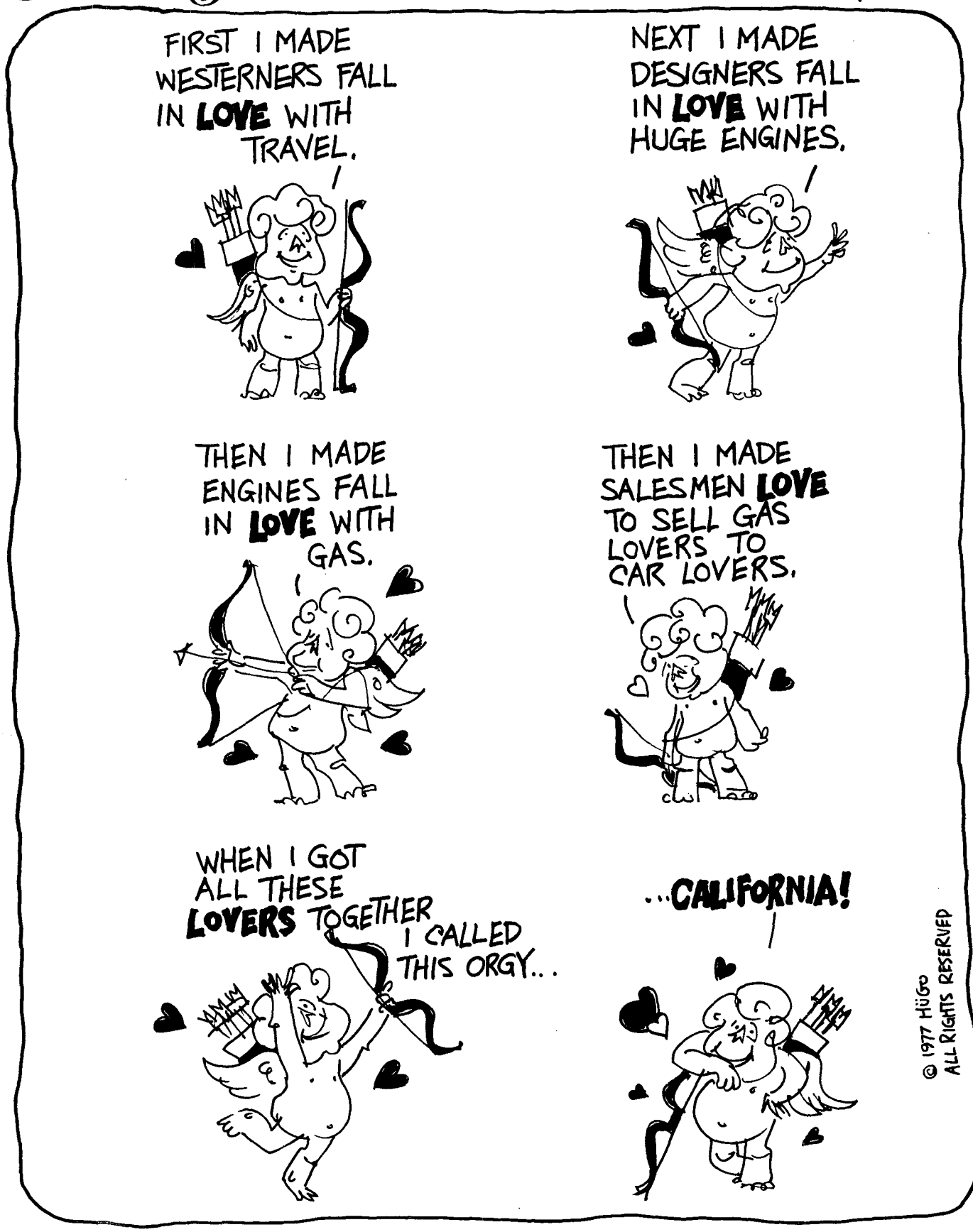
Caucus

by HüGo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UNITY ONLY ON TOKYO ROSE

A three-way split or the Asians' non-caucus

By LEAH CARABRUNO

There isn't an Asian caucus in the Legislature. For a while it looked like there would be one when Asian legislative staff members started a group, but it didn't hold together. There simply isn't the cohesion to mold the diverse Asians into a single caucus.

Asians do not fall into the typical patterns of modern minority groups. Most minority groups, such as the Chicanos and the Blacks, vote pretty much as a bloc. There is no such thing as bloc voting on any significant scale among Asians — and there are too few of them to make a difference even if they did vote as a unit. Once the Chicanos and the Blacks overcame adverse gerrymandering of districts, they had enough numbers to dominate areas and elect their own to office. Not so with the Asians. None of the three Asian lawmakers serving in the Legislature today come from districts in which the Asian population exceeds four or five percent.

It is no historical accident that there are too few Asians in any continental state to swing an election. It took a lot of effort and exclusionary legislation at both the state and federal level to guarantee it. In this state, the Alien Land Act, which prohibited people of Oriental extraction from owning land, wasn't repealed until 1956 — four years after the federal McCarran-Walter Act allowed Asian immigrants to become naturalized citizens.

The fact that this federal law was passed when a Republican was in the White House wasn't lost on many of the older Asians who were registering to vote for the first time. But Asian voters are divided between both political parties. Of the three state legislators who are Asian, one is a Republican, Assemblyman Paul Bannai, and the other two, Senator Alfred Song and Assemblyman Floyd Mori, are Democrats. Most other minority groups register and vote only Democratic.

Bannai's myth

It is popular myth to attribute Bannai's victory in the 53rd Assembly district to Democratic Asians who support him regardless of party. The 53rd takes in such parts of Los Angeles County as Lennox, Hawthorne, Lawndale, Gardena and Carson. It is a predominantly White area, with identifiable minorities making up approximately 18 percent of the population. That breaks down to eight percent Black, six percent Spanish surname and four percent Asian. In a district with a 70 percent Democratic and 23 percent Republican registration, it is no surprise that Bannai starts out seeking 50 percent of the Democratic vote and hopes all the Republicans will turn out.

Bannai doesn't play to the minority vote. Instead, he feels his philosophical leanings match most of his district's. A former Democrat who changed parties 10 years ago, Bannai thinks his business background sits well with his workingman, business-oriented constituents. He changed party labels because his philosophy became more conservative. His district is solid middle class and far from being poor or on welfare. "If you don't have anything to conserve, you aren't conservative," says Bannai. "The more they (his constituents) have, the easier they are to change over."

Issues paramount

Bannai won reelection last year with 50 percent of the vote. He feels his margin of victory would have been greater without an American Independent Party opponent who siphoned off five percent points. Both Mori and Song run well ahead of their friendly Democratic registrations. In a 61 percent Democratic district, Mori won by 76 percentage points last year; in 1974, Song took a 65 percent Democratic district on an approximately 74 percent vote. Neither of these victories is attributed to minority voters.

It appears, then, that issues are what count rather than racial heritage. The major reason an Asian caucus cannot exist is not the party label, but the lack of common interests. One of the few things Bannai and Mori have agreed upon was a resolution asking for a pardon for Tokyo Rose. There is no agreement on such issues as bilingual education. Bannai doesn't believe in "separateness" and perceives it as a bad thing. Mori thinks bilingual aid is one way to be responsive to Asian needs, especially with the recent influx of refugees in the state. Song finds efforts such as the other-than-English-language ballot "insulting, if well-inten-

Bannai

Song

Mori

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tioned," and he would like to see the requirement repealed.

There are some who criticize Song as being aloof or not identifying with Asians. But a look at Song's personal history may explain his attitudes. Born and raised in Hawaii where those of Oriental extraction outnumber Caucasions, Song said he was appalled when he heard California Asians calling Whites "the Americans." "In Hawaii," said Song, "we called them Haoles." (Haoles is a term for non-native Hawaiian Whites and isn't considered a compliment.) He says Asians here have a "minority complex" and sees manifestations of emotional damage. Song recalls that he encountered some problems, but always accomplished what he wanted on his own merits. Being the first Korean admitted to the bar and the first Asian elected to the Legislature, he doesn't feel held back. "It's not that I don't identify with the others," explains Song, "it just doesn't seem necessary."

Make up of Asians

Who are the "Asians?" The Japanese, Chinese and Filipinos (who, despite their Spanish surnames, are Oriental) comprise the bulk of the Asian population, with Koreans and the newest immigrant group, the Southeast Asians, making up the rest. Overall, Asians account for about four percent of California's voters. Although it is convenient to group all people of Oriental extraction under the heading "Asian," there are distinct differences, and sometimes enmity, stemming from the ethnic background of the ancestral homeland.

Both Mori and Song liken the Asians more to the Jewish community than other minorities because of the richness of cultural background and the mores. The Asians don't have the problem of instilling pride or delineating a suppressed history that is characteristic of the "Black is beautiful" or women's consciousness raising. But all three of the legislators agreed that neither the financial contributions or the public assertiveness, that are expected from the Jewish community, are found in the Asians, Fund raising was described as "token" or "not overwhelming." But support of fellow Asians was considered important from the standpoint of expressing pride in the community, even if the support was "moral if not monetary" in nature.

As for public assertiveness, the three legislators attributed the Asians' shying away from public forums to a lack of rights either in their homeland or upon settling here. Song articulated a theory based upon the old Oriental custom of saving face — that is, not to risk exposure or public defeat by running for office. That custom is but a part of the overall Asian heritage which, whatever land of origin, did not include participatory government or democracy as part of the cultural background. Once the Asian immigrant reached this country, participation in government was hardly encouraged, it was outlawed.

Asians were lumped with other non-Whites and couldn't even testify in court under an 1854 California Supreme Court ruling which stated: "The same rule that would admit them to testify, would admit them to all equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench and in our legislative halls." Even recent history isn't free from discrimination's traces. The concentration camps for the Japanese during World War II are not far behind us.

Bannai at Manzanar

Bannai was snatched up at age 22, taken away from his bank job, to be settled in the Manzanar, California camp. While he ultimately obtained his freedom to attend a midwestern university and, subsequently, to serve with the Army's famous 442nd Nisei division, the impact of incarceration as an enemy on a native-born American at the prime of his business career was, in Bannai's words, "more than an injustice;" it was a "trauma." (Ironically, the Army taught Bannai his first Japanese.) Even for Hawaiian-born Song, who wasn't exposed to the same kind of discrimination, World War II found him one of the first Koreans to attend officer candidate school, but only after the Army had officially categorized him as "a friendly enemy alien."

Since World War II, the stereotype Asian image has improved. In ticking off the key stereotype words such as "industrious," "clean," "educated," "responsible," Mori commented that he has encountered more prejudice because of his religion than his race. Said Mori, "Being an Asian was never an issue, being a Mormon was." None of the legislators felt that the recent Washington scandals regarding illegal Korean contributions to congressmen really hurt the good image of the Asian. Mori feels being Asian has been an advantage because of the favorable stereotype image and the ability to be distinguishable in a crowd of primary candidates.

Mori most identifies with Asians and their problems, and has headed a number of political "Asians for" groups, including an "Asians for Tunney" movement. While he reported no pressure to come out for U.S. Senate candidate S. I. Hayakawa, an Asian and a Republican, Mori said he noticed a few raised eyebrows at his vociferous support of Tunney. He says he feels an ethnic obligation to do something for Asians, to have some outreach into the community.

Silent suffering

All three Asian legislators note the silent suffering of the Asians compared to more vocal minority groups. Because Asians are not overall as poor as Blacks and Chicanos and have made some progress into professions and management structures, they are not getting help with the more subtle types of discrimination. There is upward mobility to a certain degree, reports Mori, then there is no flexibility at all. Asians get into the corporate structure, but not past the middle-management positions. When moves were on to help the "disadvantaged," there were no quotas allocated to Asians.

Mori complains that even in politics, the Democratic hierarchy is not inclusive of Asians. What progress is made is done in spite of the party structure. Although he finds Speaker Leo McCarthy sensitive to the circumstances, Mori has found if he doesn't ask, nothing is offered. The staff help and other perquisites given to the organized caucuses are not yet there for the Asians.

Will Asians continue to be the forgotten minority? Mori says no. "This is the era in which Asians have to assert themselves, or they never will," he comments. "These are law abiding, non-demonstrative citizens. That's probably to their detriment since it seems the squeaky wheel gets the oil. They are taken for granted." In the meantime, Mori thinks that, even though he has philosophical differences with Hayakawa, the symbol of his being elected is important: "It will do a lot for young Asian people."

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BET ON $40 MILLION NEXT TIME

Why the spending limit took excitement out of the '76 campaign

By CHARLES S. HURLEY

Numerous changes in the federal campaign law are being considered in the wake of the elections just past, but the only one you can bet on with confidence is an amendment raising the amount that can be spent on presidential campaigns.

The present ceiling of $21.8 million — all federal money, no private contributions — per presidential candidate is just too low. Republicans and Democrats, and even neutral observers such as Common Cause and the Citizens Research Foundation, agree that the stringent limit written into the 1974 campaign reform law by a Democratically controlled Congress and signed by a Republican president was responsible for taking a lot of the pizzazz out of the 1976 presidential race.

Probably the first rule laid down by those in command in both the Ford and Carter campaigns was: "Don't let anyone spend any money for anything until we've discussed it." It meant that every proposed expenditure would have to be checked both for legality and against the budget to be sure the money was available. This made for excruciating delays and a frustratingly slow pace in the early weeks.

The invisible campaigns

Next, both sides' high priests sharpened their pencils and began jotting down estimates on major campaign spending categories — say, $2 or $3 million for outfitting and operating the planes to carry the candidates and entourages including news reporters; $7 or $8 million for television and other advertising media; and $2 or $3 million for staff salaries. That took care of one-half to two-thirds of the total allotment. A few more million dollars were set aside for contingencies such as increasing the number of TV spots in the last two weeks, and what was left had to cover production of materials, telephone bills, postage, equipment, etc. etc.

At this point the strategists decided to skip the bumper strips, buttons and such paraphernalia as have been the staples of American political campaigns for many years. In so doing, they eliminated a major need for the numerous store-front headquarters which distribute such materials. So there were no bumper strips, no buttons, no store-front headquarters and no campaign visibility. The people asked: Where is the campaign? So did the press. Television, radio and newspaper coverage did not begin to fill the void for old-time political volunteers not content to be spectators. They wanted involvement.

There is general agreement among California's party leaders that the $21.8 million federal-funding limit, combined with the ban on other contributions, stripped the presidential campaigns of much of their excitement. Traditionally, local activity has been related to fund-raising — the dinners, wine tastings and barbecues. Phone calls came in daily, hourly at times, to state headquarters from "real people out there" wanting to know what they could do: Can we put up a Carter banner at the county fair? Can we put a poster of President Ford in our party headquarters front window? Will we be able to put out our customary slate card? In most cases there were no good answers to give them.

As late as the end of September, State Democratic Chairman Charles Manatt and Carter's California coordinator Terry O'Connell apologized at a news conference for the lack of visibility and the appearance of inactivity. O'Connell said the national campaign had budgeted only $300,000 for California — about one-fifth of what George McGovern's campaign spent in the state four years ago. Manatt promised he would be engaged in welding all party elements together for the "persuasion phase" of the campaign, depending on local Democratic candidates for Congress and the state Legislature to help in distribution of literature for Carter.

Northern California State Democratic Chairman Bert Coffey made a valiant effort to adapt to the new law by organizing a unified state headquarters, which would permit the party organization to pick up many common expenses such as headquarters rent, telephone bills and equipment costs. But both Democrats and Republicans experienced resistance from contributors who would rather give to a candidate than a party organization. Coffey said most people who sent in checks made out to the Jimmy Carter campaign (unacceptable under the new law) were willing to rewrite them to the state or national committees, "but a few we sent back are still missing." In retrospect, Coffey feels the national campaign on the Democratic side did not begin to use effectively the opportunities provided under the reform law to work through party organizations. "We have to learn to do this in the next four years," says Coffey. "I think we

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can. It's a matter of retraining loyal contributors."

Spending limit too low

Outgoing Republican State Chairman Paul Haerle, who is philosophically biased against federal funding of campaigns, nevertheless agrees that the $21.8 million for a presidential campaign is just too low. He believes $30 or $40 million would be adequate. Aside from that, however, he deplores the confusion of interpretation and the complexities of record keeping and accounting which go with the expenditure ceiling. The Republicans, as did the Democrats, recruited a small army of lawyers and accountants to help them stay within the law, but even they had difficulties coping with the fuzzy replies the Federal Elections Commission (FEC) gave in response to their questions.

A major part of the confusion concerned what local committees could and could not do. Early in the campaign the FEC issued interpretations and rules which seemed to prevent local candidates from linking up with their presidential candidates for any campaign purpose. In one instance, the FEC held that a billboard with the names of Ford, Dole and a local Republican running for the House of Representatives would constitute a contribution to the national ticket and was, therefore, illegal. Later such rulings were relaxed somewhat and the FEC decided that partisan committees in counties and congressional districts could raise and spend up to $1,000 for promoting the national ticket. Hooray! Now the Nevada County Committee could go ahead with its plan to buy a newspaper ad or two for Carter and Mondale. For the most part, the clarification came too late to make the best use of it.

The Republicans were in a better position to cope with the spending limit because their man was in the White House. President Ford was able to campaign from the rose garden for several weeks; holding bill-signing ceremonies for measures of minor import, hosting visiting dignitaries and just generally being president until his strategists decided it was time for him to hit the hustings. Robert Girard, a Stanford University law professor and a director of California Common Cause, points out that the Ford-Dole campaign had available to it vast research facilities and a wealth of information, plus the assistance of an untold number of government employees — an asset which may have been worth several million dollars. "For instance, Ron Nessen was pretty much the press officer for the Ford campaign," said Girard, "and I'm sure there were many others who played very important roles without ever leaving the government payroll." An incumbent probably always will enjoy such advantages.

But while Ford stayed in the White House, non-incumbent Jimmy Carter was covering the country in Peanut One at a basic rate of $7,775 per day, plus $1,225 for every takeoff, plus $1.57 per mile. Salaries for a Carter-Mondale staff that eventually numbered 1,544 throughout the nation came to $2.5 million by campaign's end. The decision was made in Atlanta at the beginning of the campaign that the maximum individual salary would be $2,000 a month — not enough by one-third to hire a top California professional at the usual fee. Early in September, that figure was cut to $1,800 and a general 10 percent salary cut was imposed on those then on the payroll.

Professor Girard, speaking for himself but expressing views similar to those offered by Common Cause staff in Washington, agrees with GOP Chairman Haerle that Congress should raise the ceiling substantially, and build in some kind of allowance for inflation. Herbert E. Alexander, director of the prestigious Citizens Research Foundation in Princeton, New Jersey, says the present limit is "far too low" and suggests $40 million. California's Democratic Chairmen Manatt and Coffey, as well as National Democratic Chairman Robert Strauss, all cited the need for a larger amount during the campaign, and it is unthinkable that party leadership would be so cynical as to change that view now that their man is in the White House and will enjoy the advantages of incumbency in 1980.

So count on it. Congress, sometime in the next four years, will agree that the cost of running a proper presidential campaign is more than $21.8 million and will raise the limit. As for other proposed changes, the decisions will not be so easy. Many Republicans would prefer to do away with federal funding altogether, but since their small numbers on Capitol Hill would permit them to hold a joint Senate-House caucus in a figurative phone booth, they are unlikely to make any serious move in that direction. Instead, they may support proposals to open up the presidential campaigns to private contributions on a matching basis, similar to the present primary rules. Citizens Research supports this notion and spokesmen for Common Cause acknowledge that the effect of the new law on grass-roots participation must be considered very carefully. At the same time, Common Cause and other proponents of the 1974 reforms feel that much of the present criticism is overstated and that party organizations and campaigners will adjust to the major provisions and the philosophy of the law as time goes by.

Serious efforts undoubtedly will be made to restore the expenditure limits in Congressional races, which were declared unconstitutional in the 1974 law. There most likely will be an attempt to raise the contribution limit from the present $1,000 per individual in Congressional races. That will run into heavy opposition from the backers of the original reforms who feel the new law was successful in lessening the influence of the "fat cats."

California's party leaders will watch with interest what Congress does, but they will be equally interested in what the Federal Elections Commission does toward getting its act together. Party officials know that federal funding of campaigns is going to be around for a long time. As GOP Chairman Haerle says somewhat ruefully: "It's a fact of life. We have to learn how to live with it."

ROSTRUM

The exception

In the January *California Journal*, it was stated in "Significant court actions" that "no Democrat in recent years has been defeated because of a vote against a death-penalty bill." The record shows otherwise. In the past two elections for legislative seats, only one incumbent Democrat has been defeated by a non-incumbent, Ray Gonzales of Kern County. The only issue of any substance which his opponent (William Thomas) put forward in the 1974 election was Gonzales' vote against the death-penalty bill . . .

STEPHEN BARBER
Loomis

Planning for quality?

Your article on on health planning ("The Empty Bed Blues," December 1976) has done a disservice to your readers and health planning because of a basic and total distortion in the author's approach. Although the article presents much valuable information, it blames health planners for the shortcomings of the legislative process. It was not the health planners who wrote the weak and loophole ridden laws.

MIKE SAVINO
Sacramento

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TALE OF 25 LEGISLATORS

Staff assistant today, Assembly member tomorrow

By John Adkisson

Just 16 years ago, not a single former political staff assistant was serving as a member of the state Legislature. But if the present trend continues, a majority of the members of the 1985 Assembly will have served apprenticeships as aides to other politicians. Of those now holding state office, 23 Assembly members, two senators and state Controller Ken Cory were elected after having served as legislative consultants or as personal aides to politicians.

In November, the Assembly added 17 new members, six of whom can be considered former professional political staffers — Republican Carol Hallett of Atascadero and Democrats Art Agnos of San Francisco, Mike Gage of Napa, Richard Lehman of Fresno, Tom Bates of Oakland and Maxine Waters of Los Angeles. Meanwhile, there are dozens of other staffers gearing up their campaign machinery just waiting for an opportunity to run.

With weak party structure and few powerful machines, election to office in California depends primarily on the acumen and fund-raising ability of the individual candidates. So the art of getting elected has become a gameboard for young professionals who almost make a career out of it. They start as students of the system, work themselves into paid staff jobs and wait for an opening to run for the Assembly.

Political fact of life

There is nothing immoral or corrupt about this process. It is just a political fact of life, and an argument can be made that it results in the election of highly qualified officials who can represent their constituents with a flying start. But there are some fascinating patterns that have appeared in the political fabric of the Legislature as a result of this phenomenon:

- **Staff members elected to the Legislature** tend to

Roster of Former Staffers (and year first elected to Assembly)

1962 — Anthony Beilenson
1964 — Bob Moretti
1966 — Bill Greene, Ken Cory, Leon Ralph, Alan Sieroty, John Vasconcellos
1968 — Alex Garcia, Leo McCarthy
1970 — Dixon Arnett
1972 — Richard Alatorre, Howard Berman, Daniel Boatwright, Julian Dixon, Barry Keene, Bill Lancaster, Frank Holoman
1973 — Bill Lockyer, Doug Carter
1974 — Terry Goggin, Bruce Nestande, Art Torres
1975 — Teresa Hughes, Vic Fazio
1976 — Art Agnos, Tom Bates, Carol Hallett, Mike Gage, Richard Lehman, Maxine Waters

Arnett, Lancaster, Carter, Nestande and Hallett are Republicans, the rest Democrats.

All were on the legislative payroll, except for Sieroty, Vasconcellos, Garcia, Lancaster, Goggin and Waters, who were employed by state constitutional officers, congressmen or local-government officials.

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rise to power much faster than other legislators. Assembly Speaker Leo McCarthy, Majority Leader Howard Berman, Democratic Caucus Chairman Julian Dixon and former Speaker Bob Moretti all served as staff assistants.

- **Assembly members with staff backgrounds** have unusual staying power. Of the 30 staffer-legislators elected in the past 14 years, not one has been defeated while running for reelection in the same district. (Republican Doug Carter of Stockton was defeated in 1974, but that was following a reapportionment and his decision to run in a substantially new district.)
- **The greater the success of staffers,** the more incentive there is for other paid professionals to run. The number of staffers seeking election now is far greater than it was just a few years ago.
- **Many staffers have developed skills** in specific subject areas while working as legislative aides. This can mean that there is a loss of generalist-citizen participation in government.

There is a rather simple explanation for the rapid escalation in the number of political pros getting elected to the Assembly. Two decades ago, there were relatively few paid legislative staffers, and those on the payroll were given little status and even lower wages. But state Treasurer Jesse Unruh changed all that in the early 1960's while he was speaker of the Assembly. He rapidly expanded the Assembly staff and gave legislators highly trained, well-paid assistants who could develop policy options in virtually every issue field. Since 1960, the number of professional staff members in Sacramento exploded from about 115 to more than 700.

Staff jobs insecure

Another contributing factor has been the improved status of legislators. Since 1966, membership in the legislature has been a full-time job with comparable compensation.

There are other reasons why this phenomenon has occurred. Staffers have insecure jobs because they don't have civil-service status and can be fired at their bosses' whim. So they aren't giving up much security by running for elected office. Working close to the seat of power gives staffers the ego drive of elected politicians. They often see their bosses get the credit for their work, and they are left with the need for personal gratification.

But most of all, staffers acquire the kind of contacts and other resources needed to win elections. They have the inside track to important endorsements. They know which issues will have the greatest impact. They know who will work and contribute money. They know how to gear up a campaign with a minimum of wasted motion and money. And because all this is true, they can scare off potential opponents.

Take the case of freshman Assemblyman Mike Gage. Following the death of Democrat Alfred Siegler of Vallejo last spring, it became the responsibility of the Democratic central committees from Sonoma, Napa and Solano counties to select a nominee for the district. Gage was working in Sacramento at the time as a high-ranking Democratic consultant. But he had grown up in the district and was still registered to vote there. Gage's principal opposition came from Vallejo newspaper editor Wyman Riley, a long-time power in the district and the favorite. However, Gage had the key man in his corner — state Senator John Dunlap of Napa. Gage had been Dunlap's administrative assistant, and the senator held considerable influence with members of the selecting committee. Gage won by a three-vote margin over Riley.

But the contest was not yet over. The Republicans had nominated a strong candidate, Ron Greenslate of Napa, a radio-station manager and broadcaster. On the surface, it appeared that Greenslate had an advantage. But Gage's superior knowledge of fundraising and campaign techniques allowed him to carry the district by three percentage points.

The political skills acquired by a staffer are especially valuable in a special election because the campaign time is usually short and a quick start can be almost the whole ball game. Five staffers have been elected to the Assembly and one to the Senate through special elections.

Not all success stories

Not all staffers have been successful at the ballot box. Just last year, Assemblyman Leon Ralph of Los Angeles decided to retire and become a minister. Ralph did everything possible to hand the seat over to his assistant, Johnny Collins. But Collins lost. He ran into an opponent who also knew the territory, Maxine Waters, administrative assistant to Los Angeles Councilman David Cunningham.

Often, staffers who work in Sacramento are charged with carpetbagging when they run outside the capital city. But smart staffers always maintain their community contacts so they will be healthy when opportunities arise. "Contrary to popular belief," observed Assemblyman Vic Fazio of Sacramento, a former staffer, "very few are elected in any district without a local political base separate from any Sacramento base."

Currently, there is an opportunity for former staffers in Los Angeles as a result of the election of Senator Anthony Beilenson to Congress. Assemblyman Alan Sieroty, a former staffer, is considered a cinch to take Beilenson's Senate seat. And two of those mentioned most prominently in the race for Sieroty's seat, Bob Toigo and Rick Tuttle, come from political staff backgrounds. (Tuttle is now on the UCLA faculty, but has close ties to the Waxman-Berman political organization.)

Good or bad lawmakers

There is relatively little discussion about whether staffers make good or bad legislators. They are probably no better and no worse in the long run than lawmakers from other walks of life. But there is concern that there may be a backlash against this form of government incest. There is a disagreement on the potential of a backlash, but the consensus is that it has not yet become a factor. Jack Mayesh, aide to Majority Leader Berman and himself a former Assembly candidate, claims, "It's a very, very weak issue. Candidates trying to make an issue out of it have failed because there is nothing to it."

The best defense is that the apprenticeship provides better legislators and, thus, better service to constituents. There is no question that at least they know the ropes in the Capitol far better than a freshman who comes to Sacramento cold.

Despite the trend, there are still quite a few staffers who aren't even considering a run for office. One of them is Joe Leonard, an Assembly Democratic consultant. Nearness to the seat of power can be contagious, he concedes, but adds: "It's not epidemic. Most of us value our privacy too much for that."

Probably the greatest criticism of the staffer advantage comes from the victims — the candidates who lose to paid professionals. One of them, Democrat Martin Dodd, who lost to Assemblywoman Carol Hallett last year, is bitter enough to complain: "It's gotten to the point where Sacramento is sending us legislators rather than the other way around."

The author prepared this article as a Coro Foundation intern assigned to the Journal.

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'If a (death-penalty) bill should come to my desk, I will return it without my signature'

The following is the complete text of Governor Brown's state-of-the-state report, delivered to the Legislature on January 6th:

Thank you. Last night I was reading some of my past statements and to tell you the truth, I didn't find them all that impressive. So this morning I'm just going to share with you some of my thoughts for the coming year.

Taxes

Obviously, number one on the agenda is property tax. It's the issue people have been talking about. We need an immediate solution. We also need a long-term solution. And I propose out of the savings that we have been able to make out of the prudent fiscal policy of this state that we make available something under a half a billion dollars for property tax relief, and we direct that to the people that are most in need, that are hardest hit. We base it on income so that those people with the highest property tax and the lowest and most moderate income receive the greatest amount of assistance. It's targeting to those hardest hit, those most in need. And we take this half a billion dollars and we take the principal amount of that sum and we make it available to the homeowner.

With respect to renters' relief, we take some of that same money and we make it available to those who really need it the most, those who find it very difficult to cope with rising costs and prices — our senior citizens. And we provide a renter relief program comparable to the property tax relief program. And in that fashion we take the half a billion dollars and we divide it up in a manner after discussions between yourselves and the executive branch, to do it in the most equitable and fair way.

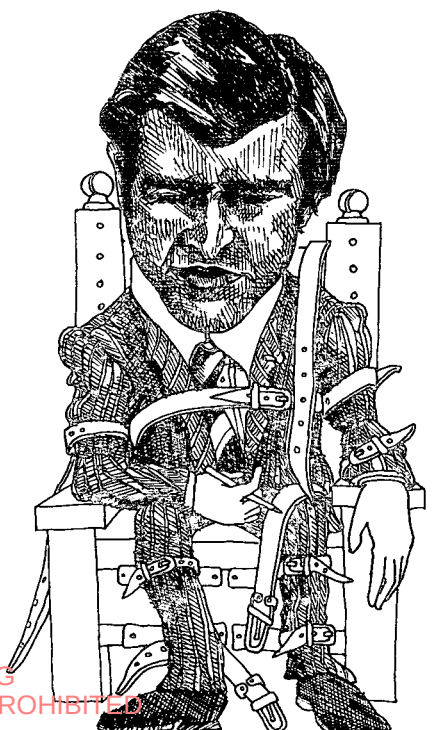
We have run a tight budget. We have the resources and without new taxes we can provide significant immediate relief to the homeowners of California. Then for the long term, we have to make two essential changes in our law.

- First of all, we need a statutory limit not only on the property tax rate, which you did in prior years, but on the assessments so that the homeowners will not face the escalating assessments along with the rates, that they have in the last few years. We have to find a program that will do the job not just for this year and next year, but over the long term. And we can do that by imposing on local government a statutory limit that will allow reasonable growth based on population changes and personal income.
- And then secondly we need to have and present to the people a constitutional amendment to split the tax roll to ensure that the proportion of taxes paid by business property and the homeowner remain the same as they are today. As it is, the escalating assessments are putting more and more of the property tax burden on the homeowner, and that has to be stopped and it can be by freezing into the constitution the ratio by which business and homeowners now contribute to the property tax burden.

Serrano

Number two, Serrano. It's been with us a long time. The court has already discussed it for many years. We now have our marching orders. Instead of shirking it or letting it slide for a few more years, I propose we deal with it along with property tax this year. We have the resources. We have the revenue base, again without new taxes, without a statewide property tax, without destroying local home rule or control, to provide a response to the court mandate that substantially complies with the principle of equal funding. And as we make this money available, which will exceed a billion dollars over the next five years, I propose that we do so in an integrated way so that we restructure our educational program to achieve competency, to achieve equity and fairness and make sure that we attend to the special needs of the students and the special problems of various parts of the state that have unique problems.

We can meet that mandate. We can bring substantially all the school children in California — not all of them, but a substantial number, to comply with the Serrano mandate, and we can do it this year, so that over a period of the next five years we provide a reasonable solution to what has been a very troublesome problem, and I suggest that we do so



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together as we work out the property tax problem.

Drought

Number three, conservation. We're facing the prospect of a very serious drought. Last year we had the third worst drought in the history of this state. Only 1934 and 1924 were worse. This year, if predictions bear out, may even be more difficult. Two dry years. The Shasta Dam is 25 percent filled and the rainfall has been about 10 percent of normal. At a time when our dams and reservoirs should be filling up, they are emptying out and the rainfall is far below what it should be.

We are going to require conservation measures, in some places rationing. We are going to have to learn to share north and south, all of us together. It is the only way we can solve this problem. It is the only way we can solve all of them.

Natural gas

Along with the water, we have to face the difficult problem of natural gas. We have to find a place for liquified natural gas to replace the diminishing supply that we're now facing here in California. In addition to that we ought to look to specific ways of insulating our homes and finding other manner of conservation.

Quality of life is something that we all talk about. And I think of all the great things that are done in this state, both in government and without. The tremendous prosperity that we have had — tremendous economic growth. And along with that prosperity some other things have occurred. I suppose to every plus there has to be a minus. To every step forward there is a step backward. And in the onward rush of our competitive economic struggle there are many that miss out, that fall by the wayside. There are thousands of people, tens of thousands of people, who find themselves in the back waters of society, who fill our mental hospitals, our nursing homes and to those people and to many others that are afflicted with problems of alcoholism and narcotic addiction and other things, you and I have to provide programs, resources. But along with that, I want to ask the people of this state to also contribute their own individual resources, their time, their heart, their effort, because we can't do the job in this chamber. We can't do it in this city. There is just too much. The scope of human need in this state is beyond the thousand laws that will pass this year. It is beyond whatever program that we can fashion. It is not to say that we don't have to try, that we don't have to continuously rededicate ourselves to new programs. We will. We have in the last two years, but I want to involve more people.

Volunteerism

Volunteerism is something that has been a great mark in our history. We had it during the war. We had it in years past. I want to begin it again. We will start with mental hospitals. If it's successful there, we can expand it. I don't think our problem has been that we have asked too much of people. I personally think we haven't asked enough. There are a lot of people who have got the time, the energy, the experience, the compassion to share it with others if we create the framework, the training and the opportunity. And I think we can do that.

Crime

Finally, I'll talk about a subject that is like taxes, always with us — crime. As our neighborhoods become more anonymous, as there is more mobility in our society, we find that the social norms are not as observed as they have been in prior years. We have passed some tough laws in the last two years. We still have a long way to go. Our court system is cumbersome. Our criminal procedure is archaic. We are going to have to reform it because justice that is not swift, that is not certain, is no justice at all. It is no deterrent. We often talk about punishment that is swift and certain, but to make that a reality it takes court procedures that are workable, that consolidate motions and ensure the people who commit crime know there is a price to pay. And unfortunately in our society there are some people that have to be locked up for a long, long time. For that reason I am going to propose that for those who commit capital crimes that life without possibility of parole be the sanction available to juries in our state.

That leaves us with one other question. The Supreme Court has recently struck down the death penalty in this state. This is something that I thought about for a long time. My position is very clear on this subject. I respect each one of you. I respect the judgment of the people, but as you begin your deliberations I feel it incumbent upon me to share with you what I believe. And for me this is a matter of conscience — I feel that way, and if a bill should come to my desk, I will return it without my signature. Thank you very much.

. . . AND A REPUBLICAN LEADER'S VIEW

The following response to the Governor's address was prepared by the Assembly minority floor leader at the request of the Journal.

By ASSEMBLYMAN PAUL PRIOLO

As usual, the Governor's state-of-the-state message sounded great and carried its full supply of something for everyone — if you're inclined to interpret that way. But, also as usual, the Governor's remarks were completely without substance. They marked two years of pronouncements baked with the ingredients of bafflement and political chicanery.

His brief, nine-minute speech failed to provide sorely needed details of how he proposes to solve the critical problems confronting us this year. The state-of-the-state is designed to give both lawmakers and the public the viewpoint of the state's highest elected official. Yet, the Governor has not seen fit to share his long range proposals so they can be subjected to scrutiny and debate. We might ask where is the public forum for the discussion of issues?

Instead of acknowledgement of the problems coupled with sound proposals, we are getting only vague, flippant observations that something should be done. Instead of an analytical examination of the total spectrum of issues, the Governor hands us inadequate, short-range solutions or

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proposals which affect only a small number of people.

In refusing to bring his programs to the marketplace of ideas, the Governor denies both lawmakers and the public at large the opportunity to examine his proposals, to evaluate their impact and to forge a consensus which will work in the best interest of all the people. We must, therefore, charge the Governor with a breach of communication. He defies the rational political process so crucial to healthy, representative government. Instead he always gives us government by crisis.

Property taxes

Case in point: the property-tax crisis. This archaic and outmoded form of taxation has created an intolerable burden upon our homeowners. It is a problem which could have and should have been alleviated two years ago. Only because of a brewing taxpayers' revolt has the Governor now faced the issue. His belated $480 million relief package, financed from unanticipated budget surpluses, is only a stop-gap measure which does nothing to solve the root causes of skyrocketing assessments and tax rates.

Moreover, the Governor has proposed that property-tax relief should just be concentrated within the lower economic income groups. We can't agree with this concept because it places an inequitable burden on the average middle-income wage earner who is hardest hit by property taxes. Certainly, we support increased help for those on low and fixed incomes; yet, we cannot arbitrarily ignore the dire plight of our middle-income homeowners. All California taxpayers contributed to the surplus, and we feel that everyone should reap a fair share of it.

California's governmental atmosphere creates tax loopholes for the rich, and a cornucopia of benefits for the poor. Governor Brown's proposal carries no relief for the person in the middle. The middle-income earner is paying more income tax, more sales tax and more property tax — with no hope of relief in sight.

The Governor offered minor relief to only a small segment of our renters — the elderly. This ignores the fact that all renters are sharing equally in boosted rent brought on by escalating property taxes. Governor Brown's entire tax proposal ignored the basic fact that Californians must have housing, and it must be affordable.

Serrano

Complicating the property tax problem is the need to equalize school finance in compliance with the *Serrano* decision. The Governor has lumped together two issues which we believe require separate treatment. Also, the Governor's continuing lack of advance planning in anticipation of the *Serrano* decision resulted in a proposal which caught the leadership of his own party by surprise, casting a cloud on our ability to meet the mandate this year.

Health department

Another example of the Governor's kneejerk reaction to public outrage lies in his reluctance or inability to clean up the mess in our state hospitals and shape up the poorly managed Department of Health, now dangerously close to collapse. The Governor's much-publicized inspection of state hospitals produced only a call for increased volunteerism in patient care. While we support the concept of involving volunteers in the problems of the mentally ill and the mentally retarded, we question the effectiveness of a volunteer force in solving the underlying problem.

His solution ignores the gravity of the situation. What the Governor should have dealt with were the intolerable working conditions in state hospitals, complete lack of in-service training for hospital employees and long-neglected facilities badly in need of repair. The Governor's own Little Hoover Commission recently charged that the Governor's foot-dragging on these issues may, in fact, have contributed to needless patient deaths. The Governor has offered only sugar pills and placebos for problems which demand tough, results-oriented actions to cure the ills now plaguing the state's health delivery system.

Crime

In what was the most controversial portion of the Governor's state-of-the-state message, the announcement of his intent to veto death-penalty legislation clearly shows that he is placing his personal views above the will of the electorate. The Governor has the right to express his personal viewpoint. However, we believe that the Governor or any public representative has an obligation to put aside his own personal feelings and carry out the will of the majority of Californians who believe the death penalty serves as an effective crime deterrent.

Although in passing the Governor remarked that our archaic court system is badly in need of an overhaul and that criminals must "know they have a price to pay for their actions," the Governor for the third consecutive year failed to suggest a single program to deal with a problem which has passed epidemic proportions throughout our state.

Other issues

These are the main topics which the Governor covered in his brief appearance before a joint meeting of the Senate and the Assembly. Among the many issues which the Governor ignored in his address was an area important to the pocketbooks of all Californians: soaring unemployment and the continuing inability of business to generate needed jobs. With 840,000 Californians out of work at a time when business — and the jobs it creates — is going to other states, Governor Brown has yet to offer a single proposal to shore up the state's sagging economy.

A national survey has shown that California ranks 47th out of the 48 contiguous states in attracting and keeping business and industry. California's taxation and regulation policies are cited as the most stringent in the nation. Yet against this backdrop of our degenerating business climate, the Governor has failed to exercise any leadership in reforming what he himself has acknowledged as excessive government.

Equally disappointing was the Governor's failure to discuss the problems of California's number one industry: agriculture. Labor problems remain because the Governor allowed his ALRB to implement Proposition 14's access rule so overwhelmingly rejected by Californians last November.

The Governor also chose to overlook the potential creation of a huge state land-planning bureaucracy to regulate prime agricultural land at the expense of local government planning agencies. While there are those in the Brown Administration who continue to advocate "social experiments" with California's farmland, the Governor's avoidance of the issue seems but another glaring omission of his leadership responsibilities.

Again this year, the Governor must be taken to task for delivering a message that was largely ceremonial — shirking his responsibility to outline his specific proposals for the new legislative session. And in the face of an overwhelming, yet unfulfilled need to understand the most mysterious and silent Governor this state has ever known, the California Legislature needed much more than Governor Brown was willing or able to deliver.

California can't afford this idle gesture. Too much is at stake for the 22 million people who want and deserve the most capable leadership our state can produce.

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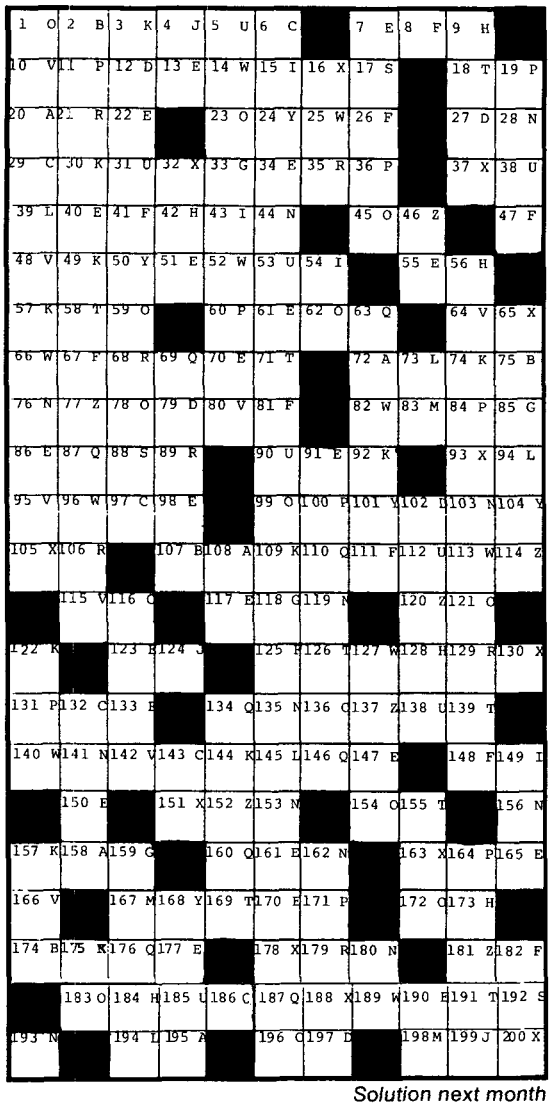
The Political Double-Cross

by Alisa Belinkoff



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Solution next month

Instructions: Although this looks like a crossword puzzle, the words read only across, not up and down as well. The solution spells out a quote from a book about California politics. Fill in the answers to the clues and transfer the letters to the corresponding spaces in the diagram. You may also work backwards, guessing at words in the solution and transferring the letters to the clue spaces. The first letters of the clue words, taken in order, spell out the author and title of the book from which the quote is taken. Most of the clues refer to the California political scene.

CLUES

A. Agenda item #1.
72 158 20 108 195

B. Tax proposed by State Transportation Board.
2 174 75 107

C. Fit name for a woman in government.
97 186 6 143 29 132

D. Mori's generation.
12 79 27 197 102

E. Platform for Sinclair.
13 170 133

40 55 190 98 147 7 22

86 161 51 150 177

61 117 91 165 70 34 123

F. Upholder of the Right.
111 148 125 8

41 26 67 182 47 81

G. Santa Claus for Leggett and McFall?
159 118 33 85

H. What you run for.
173 56 184 42 128 9

I. With O; what you don't see any more on PSA flights.
54 15 43 149

J. Labor Commissioner Quillin's union.
4 199 124

K. With S; what L.A., Oxnard, and Point Conception may have in common.
57 175 92 109 122

144 30 74 49 157 3

L. What the campaign firm creates.
94 39 194 145 73

M. Regional decision-making body.
198 83 167

N. Architect.
156 135 180 76 141 103

162 28 119 153 193 44

O. See clue "I."
154 23

99 172 136 196 45 62

1 59 116 78 183 121

P. Bored legislators can take the tree tour around the ____ ____ Capitol Park.
60 84 36 11 100 171 164

19 131

Q. Symbol of U.C.
187 160 63 134 110 87

69 176 146

R. Redundant legislative name.
35 68 179 89 21 129 106

S. See clue "K."
192 17 88

T. Alan Sieroty is running in Beilenson's old district. ____ ____ ____ to the Senate, there will be a scramble for his Assembly seat.
169 155 58 139

71 126 191 18

U. Sacramento restaurateur.
185 138 53 5 112

90 38 31

V. With W; Koupal's group can now be found under the name ___ ___ _____.
80 48

64 166 142 95 10 115

W. See clue "V."
96 25 82 189 127 140

14 113 52 66

X. Home of the unlikeliest Democrat.
200 105 163 93 32 130 188

151 16 65 37 178

Y. Living quarters for North Slope explorers?
50 104 101 24 168

Z. Diamonds are her best friend.
181 114 137 77 120 46 152

Solution to last month's puzzle: A. **P**osey's Cottage; B. **A**ngst; C. **T**am o shanter; D. **B**ear; E. **R**oast; F. **O**r Winner Wagner; G. **W**omens restroom; H. **N**it wit; I. **RISE** fell; J. **E**IER CEQA; K. **A**t Modoc; L. **G**rimes; M. **A**lioto; N. **N**ine years to life; O. **A**ntonovich; P. **NIH** ssh; Q. **D**elta; R. **R**eston; S. **E**d Davis; T. **A**t DMV; U. **L**ittle Hoover; V. **I**nsurance Financial Institutions; W. **T**ouchie feelied; X. **Y**iddish Mom.

From Edmund G. Brown Sr., *Reagan and Reality*, page 29: "There are moments . . . when the words don't come out quite as the politician intends. I'm still trying to live down a comment I made about a series of devastating floods in Northern California several years ago: 'This is the worst disaster in California since my election as Governor.'"

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A WASHINGTON PERSPECTIVE . . .

By Lou Cannon

A pair of losers

Gerald Ford looked foolish, and Ronald Reagan made the least of his opportunity. This would seem to be a fair summation of the way the nation's two most prominent Republicans conducted themselves in the process leading to selection of a new GOP national chairman.

Despite advice from numerous Republicans not to risk his shaky titular leadership in an intra-party fight, Ford could not resist the opportunity to back a friend nor a chance to thwart the man who had challenged him for the presidential nomination. The friend was James A. Baker III of Texas, Ford's campaign manager in the general election race. Ford wanted Baker so badly he was blind to the fact that Baker did not want the job. Baker is a highly competent attorney with a distaste for political infighting, and has a large family and a wife who doesn't like Washington. Furthermore, he was almost unknown to most members of the Republican National Committee.

Still, GOP officials are a docile lot, especially when confronted with a Republican President, and there is little doubt that the national committee would have chosen Baker had he stayed in the battle with Ford's backing. When Baker pulled out, he angered or embarrassed influential national committee members who had gone out on a limb for him out of loyalty to the President. The effect was so devastating that Ford's fall-back candidate, Ohio State GOP Chairman Kent B. McGough, received only 20 votes out of 161 on the first ballot and was never a factor in the race.

* * *

Baker's withdrawal created a real opportunity for Reagan, whose supporters were hoping he would use the vacancy in the top GOP post as an opportunity to exercise political leadership. One course open to Reagan was to swing his supporters toward the man who eventually became chairman, former Tennessee Senator William E. Brock, a capable organizer with a conservative record. Brock, uncertain of his own election, would have welcomed Reagan's support. Instead, Reagan tried to stop the Tennesseean by sticking with the hopeless candidacy of Utah GOP Chairman Richard Richards, who was suspected by some committee members of being a doctrinaire conservative and by others of being too lightweight for the job. Richards was such a lost cause that the man who nominated him was moved to defensively describe his candidate as "not an idealogue but an engineer." Richards lost, after three ballots, and Reagan lost with him. Instead of being dependent upon national committee conservatives for his election, Brock wound up owing his victory to moderates in the East and Midwest and to such anti-Reagan Republicans as California GOP Chairman Paul Haerle.

The day afterward, a few miles away, Reagan spoke to a conservative academic group at the Mayflower Hotel in Washington. He gave a well-crafted speech, urging conservatives to stay wthin the Republican Party and "start acting to bring about the great conservative majority party we know is waiting to be created." But the speech disappointed those Republicans who had hoped that Reagan had tired of being a party outsider and would reach for a leadership role. Instead, an increasing number of national Republicans now regard Reagan, with his soon-to-be-formed political action committee, as a rival GOP center that will divide the party along conservative-moderate lines at a time when it can least afford to be divided. And some of Reagan's own staunch national supporters are making the same complaint that was heard from party regulars in California in the fading days of Reagan's governorship.

"Ron's a great speaker, which is swell," said one of these backers at the national committee meeting. "The trouble is we need a leader, not a speaker."

* * *

William T. Bagley, the former California assemblyman who is now the chairman of the Commodity Futures Trading Commission, provided an exceptionally useful act of leadership when he sent a letter to 45 federal multi-member agencies or commissions detailing the myriad ways in which public bodies had tried to circumvent California's open-meeting laws.

Bagley's purpose was to warn his fellow commission chairmen that the new "Government in the Sunshine Act," which goes into effect March 12th, won't work unless the agencies want to follow the spirit as well as the letter of the law. His letter described various evasions of California laws and explained how courts had ruled on them.

"Seeing the much more pervasive atmosphere of secrecy in Washington, I just have to think that the same pattern is going to be attempted here," Bagley said. "Why not use the California experience to head it off?"

* * *

The much-traveled Hale Champion, onetime reporter and onetime California state finance director and onetime University of Minnesota vice president, is leaving the Harvard vice-presidency to come to Washington as assistant secretary of the Department of Health, Education and Welfare. All of which recalls Champion's long-ago reply to a reporter from Madison, Wisconsin, who asked him how he had begun his varied career. "I got out of Madison," Champion replied.

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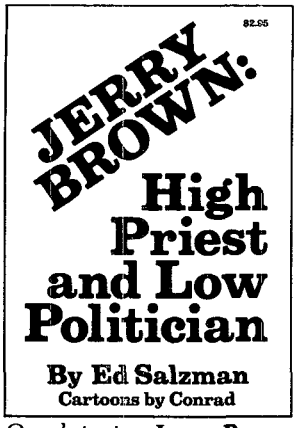
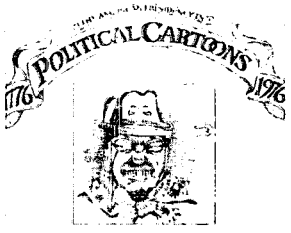


Our latest – **Jerry Brown: HIGH PRIEST AND LOW POLITICIAN** by Ed Salzman, editor of the *California Journal*, with cartoons by Paul Conrad of the *Los Angeles Times*. An analysis of California's Governor as chief of state and as a candidate for office. Price: $3.50 a copy, including sales tax and postage.



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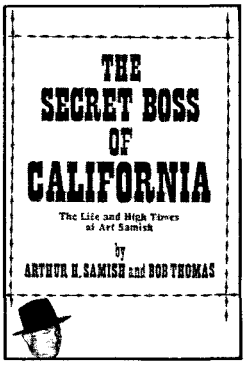

Back again – **THE SECRET BOSS OF CALIFORNIA** by Arthur H. Samish and Bob Thomas. The fascinating autobiography of the one-time master-lobbyist of Sacramento. This hardback was originally published at $5.95. Our price: $3.50, including sales tax and postage.

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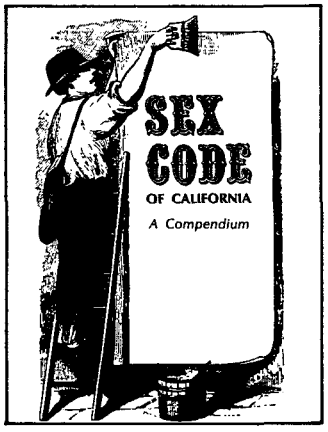

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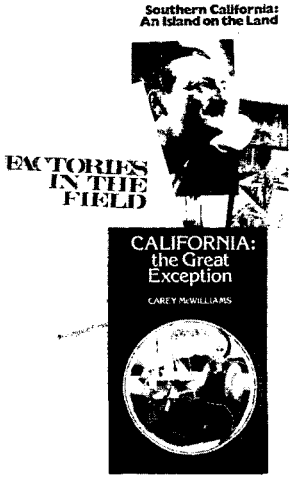

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